



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 25 September 2018

Committee:
Strategic Licensing Committee

Date: Wednesday, 3 October 2018

Time: 10.00 am

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.

The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Keith Roberts (Chairman)
Simon Jones (Vice Chairman)
Peter Adams
Roy Aldcroft
Dean Carroll
Rob Gittins
Elliott Lynch
Paul Milner
Kevin Pardy
Vivienne Parry
Ed Potter
Harry Taylor
Robert Tindall
Dave Tremellen
David Vasmer

Substitute Members of the Committee

Ted Clarke
Pauline Dee
David Evans
Nigel Hartin
Richard Huffer
Matt Lee
Pamela Moseley
Clare Aspinall
William Parr
Paul Wynn

Your Committee Officer is:

Emily Marshall Committee Officer

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Email: emily_marshall@shropshire.gov.uk



AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the previous meeting as a true record

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 10.00 a.m. on Tuesday, 2nd October 2018.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Licensing Fees and Charges 2018 - 2019 (Pages 7 - 58)

Report of the Transactional and Licensing Manager is attached, marked 5.

Contact: Mandy Beever (01743 251702)

6 Statement of Licensing Policy - Licensing Act 2003 (Pages 59 - 256)

Report of the Transactional and Licensing Manager is attached, marked 6.

Contact: Mandy Beever (01743 251702)

7 Proposed Additional Consultation on the Removal of the Existing Five Hackney Carriage Zones (Pages 257 - 310)

Report of the Transactional and Licensing Manager is attached, marked 7.

Contact: Mandy Beever (01743 251702)

8 Exercise of Delegated Powers (Pages 311 - 318)

Report of the Transactional and Licensing Manager is attached, marked 8.

Contact: Mandy Beever (01743 251702)

9 Future Agenda Items

An opportunity for Members to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

10 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 5th December 2018 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Agenda Item 2



Strategic Licensing
Committee

3rd October 2018

Item
2
Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 20 JUNE 2018 10.00 - 11.52 AM

Responsible Officer: Emily Marshall
Email: emily_marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Keith Roberts (Chairman)
Councillors Simon Jones (Vice Chairman), Peter Adams, Roy Aldcroft, Dean Carroll, Rob Gittins, Paul Milner, Kevin Pardy, Vivienne Parry, Ed Potter, Harry Taylor and David Vasmer

5 Apologies

An apology for absence was received from Councillor Tremellen.

The Committee were informed that Councillor Milner would be late.

6 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 7th March 2018 and 17th May 2018 be approved as a correct record.

7 Public Question Time

There were no public questions or petitions received.

8 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

9 Appointment to Licensing and Safety Sub-Committee

The Committee were asked to confirm the delegated powers to the Licensing and Safety Sub-Committee for the municipal year 2018 to 2019 (see minute 10 of the meeting held on 8th June 2011) and to appoint its membership. Members were reminded that this Sub-Committee's powers were mainly used for dealing with matters concerning hackney carriage and private hire vehicles and drivers.

The Solicitor informed the Committee that the appointment of substitutes would not be required.

RESOLVED:

1. That, a standing Licensing and Safety Sub-Committee be established comprising 5 members of the Strategic Licensing Committee and with full delegated powers to discharge the Council's Licensing and Safety functions as set out in Annex A of the report to the Strategic Licensing Committee, see Minute 10 of the meeting held on 8th June 2011.
2. That the rules of the Licensing and Safety Sub-Committee be those that were set out in Annex B of the report to the Strategic Licensing Committee, see Minute 10 of the meeting held on 8th June 2011.
3. That Councillors Simon Jones, Dean Carroll, Paul Milner, Harry Taylor and Roy Aldcroft be appointed to serve on the Sub-Committee.

10 Appointment of Sub-Committees Under the Licensing Act 2003

To ease decision making and follow procedures used in previous years, it was proposed and duly seconded and

RESOLVED:

1. That Licensing Sub-Committees be established under the Licensing Act 2003 (the Act) to exercise all licensing functions as defined by the Act and all licensing functions under the Gambling Act 2005 and any other related matters which may lawfully be delegated to them.
2. That each of the Sub-Committees in (a) above shall comprise three members of the Strategic Licensing Committee, and the method of appointment to such sub-committees and procedures to be followed be as that presently set out in Part 4 of the Council's constitution.

11 Digital Transformation

The Technology and Communications Manager provided an update on the process of digital transformation in relation to licensing. The Committee were informed that the aim of digital transformation was the automation of services/process. For licensing there would be two online portals, My Shropshire Residents and My Shropshire Business. An external organisation was supporting the Council to develop and build templates for complicated forms.

The process would mean changes to the way the Council works, but would result in savings in terms of time and money but importantly would provide an improved service to residents and businesses within Shropshire.

In response to questions relating to cyber security the Technology and Communications Manager assured the Committee that there were cyber security

specialists employed at Shropshire Council and the most up to date software was in place.

Finally the Committee were informed that My Shropshire for Residents would be live in October 2018 and My Shropshire for Business would be live in early 2019.

The Committee thanked the Technology and Communications Manager for the update.

RESOLVED:

That the update on Digital Transformation be noted.

12 Safety of Sports Grounds - Annual Report of Activity (July 2018)

Consideration was given to a report of the report of the Health Protection Team Manager – Regulatory Services (copy attached to the signed minutes), detailing the exercise of delegated functions in respect of the safety of sports grounds, undertaken by the Public Protection service over the past year.

The Health Protection/Prevention Team Manager responded to a number of general questions from Members and also explained the role of the Health and Safety Advisory Group which enabled coordination with other agencies such as the fire and ambulance services, he also confirmed that a holistic approach was taken when doing safety inspections.

RESOLVED:

That the report of the Health Protection Team Manager be noted.

13 Gambling Act 2005 - Policy Statement

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes). The report set out the single representation that had been received from consultees following the period of formal consultation on the Gambling Act 2005 – Policy Statement.

In response to a question from a Member, the Transactional and Licensing Team Manager reported that Shropshire was not an area eligible to launch a competition for a casino licence and as far as she was aware there were no plans to change this in the future.

RESOLVED:

1. That the Committee notes the representation received following the formal consultation on the draft Gambling Policy Statement and agrees the officers' comments in Appendix 1 in response to the comments made and recommends to the Council that the policy statement is published and advertised by the Operations Manager – Trading Standards & Licensing in accordance with the provisions of the Act and that the policy statement will take effect from 31 January 2019.

2. That the Committee delegates to the Operations Manager – Trading Standards & Licensing, in consultation with the Chair of the Strategic Licensing Committee, the authority to amend any typographical errors and/or administrative inconsistencies in the proposed Gambling Policy Statement as set out in Appendix 1 prior to the policy statement being presented to the Council for final approval.

14 Statement of Licensing Policy - Licensing Act 2003

Consideration was given to the report of the Trading Standards and Licensing Operations Manager, which set out the proposed statement of licensing policy for 2019 to 2024 upon which the Council proposes to consult (copy attached to the signed minutes).

RESOLVED:

1. That the revised Licensing Act 2003 Proposed Statement of Licensing Policy, 2019 to 2024 as agreed by the Committee and set out in Appendix 1, be approved for consultation.
2. That the ‘Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance’ as agreed by the Committee and set out in Appendix 2, be approved for consultation.

15 Scrap Metal Dealers Act 2013 - Update

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes) which provided the Committee with an update on the licences issued and enforcement action taken since the scrap metal dealers act 2013 came into effect as requested at a previous meeting.

The Committee thanked the Transactional and Licensing Team Manager for the update.

RESOLVED:

That the position, as set out in the report, be noted.

16 Equality Act 2010 - List of Designated Wheelchair Accessible Vehicles

Consideration was given to the report of the Transactional and Licensing Team Manager which set out the way in which the Council would enhance the visibility of and access to Wheelchair Accessible Vehicles across the administrative area of Shropshire Council in accordance with the provisions set out in Section 165 and Section 167 of the Equality Act 2010.

In response to questions, the Transactional and Licensing Team Manager confirmed that the standard reference wheelchair was being used as a starting point and this would fit into all Shropshire Council wheelchair accessible vehicles, part of the application/licence renewal process included checking at the time of inspection that a driver could secure a wheelchair in the vehicle. The list would be publicised on the Shropshire Council website.

RESOLVED:

1. That the Transactional and Licensing Team Manager undertake the necessary work to establish the Wheelchair Accessible Vehicles that will be included on the List of Designated Wheelchair Accessible Vehicles.
2. That the publication of the List of Designated Wheelchair Accessible Vehicles as set out in the report be approved.

17 Proposed Consultation on the Removal of the Existing Five Hackney Carriage Zones

Councillor Dean Carroll left the meeting at this point.

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes), which set out proposals to consult on the removal of the five existing Hackney Carriage Zones and apply a single Hackney Carriage Licensing regime throughout the administrative area of Shropshire Council with effect from 1 April 2019.

RESOLVED:

That a consultation on the removal of the five existing Hackney Carriage Zones and a single Hackney Carriage licensing regime throughout the administrative area of Shropshire Council with effect from 1 April 2019 be undertaken.

Councillor Ed Potter left the meeting at this point.

18 Proposed Consultation Relating to the Hackney Carriage and Private Hire Licensing Policy 2019 - 2023

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes) which outlined the proposed consultation relating to the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023.

RESOLVED:

That the revised Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 as agreed by the Committee and set out in Appendix 1 be approved for consultation.

19 Exercise of Delegated Powers

Consideration was given to the report of the Transactional and Licensing Team Manager in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes)

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

20 Records of Proceedings - Licensing Act Sub-Committee

The records of proceedings of the Licensing Act Sub-Committee meetings from January 2018 to April 2018 were received by Members. (Copy attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from January 2018 to April 2018 be noted.

21 Date of Next Meeting

RESOLVED:

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 3rd October 2018.

Signed (Chairman)

Date:



<u>Committee and Date</u>
Strategic Licensing Committee
3rd October 2018

<u>Item</u>
5
Public

LICENSING FEES AND CHARGES 2018-2019

Responsible Officer Mandy Beever, Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 This report proposes revised fees for the period 1 April 2019¹ to 31 March 2020 for licences and licensing related activities where the authority has the discretion to determine the relevant fees and relates to:
- hackney carriage and private hire vehicles and drivers;
 - private hire operators;
 - public health (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis);
 - animals (dangerous wild animals and zoos);
 - scrap metal;
 - sex establishments;
 - street trading;
 - explosives and fireworks;
 - distribution of free printed matter; and
 - pleasure boats and vessels.
- 1.2 In addition, the report proposes new fees in regard to licences issued under the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into effect on 1 October 2018. It is proposed that the fees under this Act will be set for the period of 3 October 2018 to 31 March 2020. The list of proposed fees is set out at **Appendix H** and relate to:
- providing day care for dogs;
 - breeding for dogs;
 - boarding for cats;
 - kennel boarding;
 - home boarding;
 - selling animals as pets;
 - keeping or training animals for exhibition; and

¹ The fees applicable to hackney carriage, private hire vehicle and operator licences may become effective on a date prior to the 1 April 2019. This is because the Council must follow the process prescribed by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to vary these fees and the actual date that the fees become legally effective is dependent on whether or not objections are made as part of the prescribed process. Whilst not legally required to do so, the Council has historically applied the same process to hackney carriage and private hire vehicle drivers licences.

- hiring out horses.

- 1.3 The report also proposes revised fees under the Gambling Act 2005 in relation to gambling activities where the authority has the discretion to determine fees up to legally set statutory maximums.
- 1.4 The statutory fees that must be charged for specific licences, permits and registrations under the Licensing Act 2003, the Gambling Act 2005 and explosives and fireworks legislation are also set out within the report.
- 1.5 Those licensed activities for which no fees may be set are also highlighted.

2. Recommendations

- 2.1 That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in **Appendix A**, in accordance with the Gambling Act 2005 as set out in **Appendix B** and in accordance with explosives and fireworks legislation as set out in **Appendix C** and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2019 and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2019/20 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2019/20 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
- 2.2 That the Committee implements, with any necessary modification and with effect from 1 April 2019, the proposed fees as set out in **Appendices D, E, F and G** that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2019/20 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
- 2.3 That the Committee implements, with any necessary modification and with effect from 3 October 2018, the proposed fees as set out in **Appendix H** that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2019/20 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
- 2.4 That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in **Appendix F**, with any necessary modification, and instructs the Trading Standards and Licensing Operations Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to undertake the necessary work to consult and implement the fees.

- 2.5 That the Committee instructs the Trading Standards and Licensing Operations Manager to arrange for the proposed fees as set out in **Appendix F**, with any necessary modification, to be included in the 2019/20 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating '*Provisional fees under consultation fees to be confirmed by the Strategic Licensing Committee*'.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council makes every effort to recover regulatory and enforcement costs from those who are licensed. However, it is acknowledged that the Council's licensing fees and charges may be challenged through a number of routes, including service complaints to the Local Government Ombudsman and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 3.2 The Council is permitted to include costs for clerical and administrative aspects when determining licence fees but these must be reasonable and proportionate to the actual costs of the procedures. The costs of regulatory and enforcement activities, including enforcement to address unlicensed activity, can also be included. Only successful applicants can be required to make a contribution towards the regulatory and enforcement costs.
- 3.3 Where the Council intends to recover regulatory and enforcement costs, it cannot include these costs in the fee that is payable at the time any application is submitted. Such costs are only payable after the decision has been taken to grant or renew a licence. This means that for those licences that incur post application regulatory and enforcement costs, the fees are charged in two parts:
- (a) the first part is payable at the time an application is submitted and aims to recover the costs associated with the administrative procedures and formalities of the application process (this includes the costs of undertaking all the required checks relevant to each licence type); and
 - (b) the second part is payable by the applicant only once the licence is granted or renewed and aims to recover the costs associated with the ongoing regulation and enforcement of the licencing regimes.
- 3.4 There are a number of licences that do not incur post application regulatory and enforcement costs. This is because the work undertaken as part of the application process is deemed to be proportionate to the level of risk associated with the activity that is controlled by these particular licence types. For these licences, there is only one fee payable and this is at the point of application.
- 3.5 The two-part fee is not applicable to hackney carriage, private hire and gambling related licences; consequently, for these licence types a single fee is payable at the point of application. The same is applicable to all statutory fees.
- 3.6 To reduce the risk of challenge to the Council, a financial modelling tool was introduced in 2013 to calculate licensing fees from 2014/15 onwards. This continues to be updated, modified and refined to take account of amendments to

the law, changes made by licensing officers, recommendations from the Council's finance officers and to reflect ongoing changes to the way in which the licensing function is resourced.

- 3.7 Overall, the tool draws together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. It also aims to demonstrate that the cost of enforcing the licensing regime against unlicensed operators has been considered and is included in licence fees. Enforcement costs are not included for joint hackney and private hire drivers' licenses in line with specific provisions of the Local Government (Miscellaneous Provisions) Act 1976. Fees are compared on an ongoing rolling basis.
- 3.8 An Equality and Social Inclusion Impact Assessment has not been undertaken as the report does not concern the implementation of a new policy; the focus of the report is the review of licensing costs to ensure the Council is in a position to recoup its costs on a cost recovery basis in line with current legislative requirements.
- 3.9 There is no anticipated environmental impact associated with the recommendations in this report.
- 3.10 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in domestic licensing legislation and takes into consideration relevant European provisions and case law.
- 3.11 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This duty is reflected in the recommendation set out at paragraph 2.4 above. Historically, the Council has also consulted on driver licence fees and consequently it is recommended that this practice continues. In relation to hackney carriages, the fees for each zone are considered separately. With respect to the remaining discretionary fees, it is suggested that publishing the Council's intentions, prior to the fees coming into force, is sufficient and this reflects previous practice.
- 3.12 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's Constitution. Extracts from the relevant legislation are provided in **Appendix I**. Due consideration has also been given to relevant European legislation.

4. Financial Implications

- 4.1 The total cost to the Council of delivering the licensing service in 2016/17 was calculated to be £661,829 and the income received was £717,690. There was an overall surplus of £53,159 with specific surpluses and deficits relating to each licence type calculated separately – see **Appendix J**. Steps have been, and

continue to be taken, to improve cost recovery across all appropriate licence types in order to reduce the overall deficit and to redistribute, return and recoup fees in relation to each licence type as appropriate.

- 4.2 The proposed fees are based on undertaking the administrative procedures and formalities associated with the relevant licencing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences and enforcement for unlicensed activities where it is permitted. Where relevant, the fees have been split into two parts. The recovery of the deficits and the return of the surpluses as set out in **Appendix J** have been included in the fee calculations for 2019/20. As a result of this work, the proposed fees have been calculated and are set out in **Appendices D to H**.
- 4.3 Costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees have to be adjusted every year to reflect immediately previous deficits or surpluses, although this is the approach that is currently adopted. In any case, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. Costs associated with enforcing unlicensed operators/businesses are recoverable by the Council but these costs are excluded from the calculation for the joint hackney and private hire drivers' licences in line with provisions in the Local Government (Miscellaneous Provisions) Act 1976. In addition, costs of providing advice to those who may consider applying for a licence in the future are included.
- 4.4 The surpluses and deficits for hackney carriage and private hire licence fees are set out in **Appendix J (Table 2)** and have been incorporated into the revised fees as set out **Appendix F**. Where a surplus has been generated in 2017/18 but a cumulative deficit position exists from 2014/15 to 2017/18, licence fees have not been reduced. A summary of those fees where a variation is proposed are listed below. It is proposed that all other hackney carriage and private hire related fees remain the same.
- Renewal hackney carriage and private hire joint drivers licence increased by 7.4%
 - Drivers knowledge test reduced by 1.9%
 - Driver training assessment increased by 47.8%
 - Safeguarding training increased by 23.1%
 - Renewal standard private hire vehicle increased by 7.7%
 - Fare card replacement increased by 20%
 - New small operators increased by 25.6%
 - New large operators increased by 30.6%
 - Renewal small operator increased by 32.8%
 - Renewal large operator increased by 23.2%

The proposed fees have been broken down into different categories which include standard private hire vehicles, novelty private hire vehicles and executive private hire vehicles. There are now two hackney carriage and private hire joint drivers licence fees the first one is a direct comparison to the fee which has been previously set. The second includes an additional fee for the safeguarding awareness course, this has been calculated at a reduced rate compared to renewing a hackney carriage and private hire joint driver's licence and booking a separate safeguarding training course. The fees have been set out

in this way to provide choice and greater transparency for the hackney carriage and private hire trade.

4.5 The fees under the Licensing Act 2003 are statutory fees that the Council cannot change. **Appendix J (Table 1)** shows a fee surplus of £157,424 was generated. This is largely due to the requirement for licensed premises to pay an annual fee to maintain their licence. It can be seen that the Licensing Act fees surplus has increased the overall licensing service surplus to £53,159. The process of offsetting the deficit using Licensing Act fees is permissible; however, this is only because the Licensing Act fees are statutory. Where the Council has the authority to set specific discretionary fees, these fees must be used only for the purposes of funding those specific licences.

4.6 Public health licences are issued indefinitely; hence, there is no opportunity to recoup deficits or return surpluses through a renewal process. Fee payments are entirely reliant on new applicants. The number of applicants is difficult to forecast, although there currently appears to be an upward trend. The administration and enforcement of the public health licences has, and continues to be, reviewed and efficiencies identified. However, the applications received still contributed to a £4,417 deficit across the public health licences in 2017/18. To attempt to reduce the risk of further deficits, it is proposed to increase the existing fee. A summary of those fees where a variation is proposed are listed below.

- acupuncture premises, including 1 person increased by 59.5%
- acupuncture person increased by 108%
- electrolysis premises, including 1 person increased by 59.5%
- electrolysis person increased by 108%
- cosmetic piercing premises, including 1 person increased by 59.5%
- cosmetic piercing – person and variation increased by 108%
- tattooing premises, including 1 person increased by 59.5%
- tattooing person increased by 108%

4.7 The work that has been undertaken to recover the deficits associated with animal licences from 2014/15 to date has not been fully effective. The cumulative deficit has increased with a further £8,085 incurred in 2017/18. This is principally due to the increased staffing resource required to carry out inspections, particularly to address the increasing risk to animal welfare as a result of importation and over-breeding. The administration and enforcement of the animal health licences has, and continues to be, reviewed and efficiencies identified.

4.8 On the 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into effect. This provides for the licensing of providing day care for dogs, breeding for dogs, boarding for cats, kennel boarding, home boarding, selling animals as pets, keeping or training animals for exhibition and hiring out horses. The new regulations do not include zoos and dangerous wild animals, the issuing of these licenses remain under the existing legislative requirements. A list of the fees under the new regulations is set out at **Appendix H**. The fees have been calculated to include recovery of the deficit associated with the animal licences issued previously due to the fact that the majority of licence holders will still be the same individuals/businesses who were previously licenced.

- 4.9 Explosives and fireworks licence and registration fees are all statutory fees (with the exception of those discretionary fees listed in **Appendix D**), which cannot be changed by the Council. **Appendix J (Table 1)** shows a deficit of £8,125, which will only be able to be reduced through making efficiency improvements across the administration and enforcement processes. The service is continuing to review how these efficiencies can be achieved. It should be noted that the activities to which the discretionary fees relate are little used in practice and were not used at all during 2017/18; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred.
- 4.10 The work that has been undertaken to recover the deficit associated with scrap metal licences from 2014/15 to date has been partially effective. However, the cumulative deficit has increased with a further £12,535 deficit incurred in 2017/18. Due to the small number of licences issued this deficit is anticipated to worsen, particularly given that there is an increased staffing resource required to carry out inspections to address the recognised criminal risks associated with scrap metal dealing. The administration and enforcement of scrap metal licences has and continues to be reviewed and efficiencies identified. However, to reduce the risk of incurring further deficits, it is proposed to increase the new collectors licence fee by 2.1% and retain the existing fee for renewal applicants in an attempt to recover the deficit from applicants who are due to renew their licences over the next three years.
- 4.11 The licences that are grouped as miscellaneous include those for caravan sites, sex establishments, free printed matter, street collections, house to house collections, street trading and pleasure boats and vessels. Work that has been undertaken to recover the deficit associated with these licences from 2014/15 to date has not been effective with the cumulative deficit increasing with a further £34,982 incurred in 2017/18. A proportion of these costs are not recoverable and will always be borne by the local taxpayer as there are certain licences where the Council is unable to charge fees, e.g. licensing house to house collections, street collections and non-residential caravan sites. In addition, work has yet to be undertaken to develop a policy under which the Council will be able to charge for the licensing of residential caravan sites. The administration and enforcement of these licences has and continues to be reviewed and efficiencies identified. This has led to a range of reductions in the basic costs of administering these types of licences. However, to reduce the risk of incurring further deficits, it is proposed to retain the existing discretionary fees, rather than to reduce them in line with processing costs. A summary of those fees where a variation is proposed are listed below:
- sex establishments new increased by 9.7%
 - sex establishments renewal increased by 9.4%
 - street trading consents for up to 7 days increased by 127.6%
- 4.12 The Gambling Act 2005 provides for licences, permits, notices and registrations. The Council has the discretion to set the fees for licences and notices up to certain statutory maximums. The fees for permits and registrations are statutory and the Council has no authority to change these.
- 4.13 The majority of the Gambling Act work undertaken relates to the administration and enforcement of permits and registrations, which are the subject of statutory fees. There is a clear indication that these statutory fees are insufficient to cover the cost

of the work associated with the administration and enforcement of the permits, e.g. basic administrative costs are at least 20% more than the statutory fee payable and there are a considerable number where the overall costs are significantly more. As a result, it is unrealistic to expect recovery of the deficit of £7,826; however, processes continue to be reviewed and refined to ensure efficiencies wherever practicable.

- 4.14 The Council has the authority to set the licence fees under the Gambling Act (up to certain statutory maximums). The proposed fees, which directly reflect the calculations to recover the costs incurred, or the statutory maximum depending on which of the two is lower, are set out in **Appendix E**. As with explosives licences referred to above, the activities to which the discretionary fees relate are little used in practice; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred.
- 4.15 An assumption has been made about the number of renewals that will take place in 2019/20 in order to recover or redistribute the deficits and surpluses. Until the end of the 2019/20 financial year it will not be known whether the assumptions about the number of renewals were accurate or not. The activity in 2018/19 will again change the cumulative position and further adjustments will be required in this rolling annual process. The adjustments to correct any material discrepancy in the recovery or redistribution of the deficits and surpluses will be made against 2020/21 fees and so on until the recovery of the surplus or deficit reaches a satisfactory position.
- 4.16 Where licenses have a renewal period of greater than one year, the recovery or redistribution calculation is spread across the same period.
- 4.17 Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it is recognised that not all licensing costs are recoverable.

5. **Background**

- 5.1 The principle of cost recovery under licensing legislation applies to the licensing of hackney carriages and private hire vehicles, operators and drivers. It also extends to sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, zoos, providing day care for dogs, breeding for dogs, boarding for cats, kennel boarding, home boarding, selling animals as pets, keeping or training animals for exhibition, hiring out horses, dangerous wild animals, scrap metal dealers, pleasure boats/vessels, distribution of free printed matter, residential caravan sites, some explosives and fireworks licences, together with the issuing of various licences under the Gambling Act 2005.
- 5.2 Caravan sites are currently licensed by the Council under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013. The amendment to the 1960 Act permits the Council to charge fees for the licensing of residential caravan sites; however, the Council is required to publish a fees policy prior to setting fees. The Council has not yet adopted a policy; consequently, fees are not yet included in the proposals.

- 5.3 The financial modelling tool, referred to in paragraph 3.6, has been set up to allow residential caravan site and Licensing Act 2003 fees to be incorporated and calculated as and when the Council is in a position to do so both from a policy and a legislative perspective.
- 5.4 The government has previously consulted on its intention to move from centrally set to locally set licence fees under the Licensing Act 2003 but has yet to take this forward. As a result, the nationally determined statutory fees are retained and the Licensing Act 2003 fees are included in **Appendix A**. There are no discretionary Licensing Act 2003 fees proposed other than for providing a copy of information contained in an entry in the public register; this is reflected in **Appendix G**.
- 5.5 The costs associated with the licensing procedures that the Council may legally recover in fees consists of administrative costs, the costs of investigating the background and suitability of applicants for licences and the costs of monitoring the compliance of those with licences with their terms. Where applicable the cost of enforcement against unlicensed operators is also included in the fee. These will certainly include the costs that are directly attributable to licensing procedures and a proportion of indirect costs. The Council must be in a position to demonstrate that the costs included in any fees calculations are reasonable and proportionate to the cost of the licensing procedures.
- 5.6 Fees cannot exceed the cost of the licensing procedures and cannot be used to finance the delivery of other Council services.
- 5.7 To aid the Council to properly recover relevant licensing costs all licensing procedures have been considered and reviewed in detail; this work continues to evolve through an iterative process to further develop, improve and refine the processes involved. Managers, licensing officers and finance officers have collaborated in this work. The licensing procedures are considered from receipt of application to the issue of the final licence, permit, notice or registration with both variable and fixed costs being considered. These costs include officer, management and member time, including running of relevant Committees and the Licensing Panel, to administer and monitor compliance of both those already licensed and those who are unlicensed but exclude time spent enforcing matters that relate to joint hackney and private hire drivers' licences. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, advertising, postage & printing, subscriptions, telephone costs, training and all other relevant internal market recharges and supplies and services costs.

6. Additional Information

- 6.1 In respect of the discretionary fees proposed in **Appendix F**, namely the setting of fees for hackney carriages, private hire vehicles and operators' licences, statutory procedures must be followed. Consequently to vary the fees from those currently set, the Council is required to follow specific procedures that allow for objections to be made and considered by the Committee.
- 6.2 The process that has been undertaken to determine the fees for 2019/20 is an extension of the process that commenced in 2013. This process will continue

annually with amendments being made to take account of changes in the law and Council procedures and costs.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Services Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Provision of Services Regulations 2009 - SI 2009 No 2999
- Supreme Court Judgement in the case of R (on the application of Hemming and others v Westminster City Council – 29 April 2015 - [2015] UKSC 25 on appeal from [2013] EWCA Civ 591
- Court of Justice for the European Union Judgement in the case of Hemming [2016] EUECJ C-316/15 (16 November 2016)
- Mobile Homes Act 2013
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Cabinet Member (Portfolio Holder)

Councillor Joyce Barrow, Portfolio Holder for Communities, Waste & Regulatory Services

Local Member

Not applicable – report has county wide application

Appendices

Appendix A Licensing Act 2003 Statutory Fees

Appendix B Gambling Act 2005 Statutory Fees

Appendix C Explosives and Fireworks Legislation Statutory Fees

Appendix D Explosives and Fireworks Legislation Discretionary Fees

Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Appendix F Hackney Carriage and Private Hire Discretionary Fees

Appendix G Other Legislation Discretionary Fees

Appendix H New Animal Legislation Discretionary Fees

Appendix I Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Appendix J Licensing costs, income and surplus/deficit

Appendix A – Licensing Act 2003 Statutory Fees

Rateable Value Bands	A	B	C	D	E
Initial Application / Variation Fee	£100	£190	£315	£450	£635
Annual Fee:	£70	£180	£295	£320	£350
Variation Fee:	£100	£190	£315	£450	£635

All premises are licensable based on the non-domestic rateable value of the property as follows:

Rateable Value	Band	Band	D (x 2)	E (x 3)
No value up to £4,300	A	Premises in Bands D & E (whose primary business is the sale of alcohol)	900	1905
£4,301 - £33,000	B			
£33,001 - £87,000	C	Premises in Bands D & E (whose primary business is the sale of alcohol) annual charge	640	1050
£87,001 - £125,000	D			
£125,001 and Above	E			

Exceptionally large events:

Additional Premises Fees can be charged for such events:

Number in attendance at any one time	Additional Application Fee	Additional Annual Fee
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Personal Licences, Temporary Events and other fees:

Type of Application	Fee
• Grant of Personal Licence	£37
• Temporary Event Notice	£21
• Theft, Loss etc. of Premises Licence or summary	£10.50
• Provisional Statement (where premises are being built)	£315.00
• Notification of change of name or address	£10.50
• Vary licence to specify individual as Premises Supervisor	£23
• Transfer of Premises Licence	£23
• Interim authority notice following death etc. of Licence holder	£23
• Theft, loss etc. of Certificate or summary	£10.50
• Notification of change of name or alteration of rules of club	£10.50
• Change of relevant registered address of club	£10.50
• Theft, loss etc. of Temporary Event Notice	£10.50
• Theft, loss etc. of Personal Licence	£10.50
• Duty to notify change of name or address	£10.50
• Right of freeholder etc. to be notified of licensing matters	£21
• Minor Variation	£89
• Removal of DPS at Community Premises	£23

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Appendix B - Gambling Act 2005 Statutory Fees

Licence Type	2018/19 Fees (£)	2019/20 Fees (£)	Difference (£)
Prize Gaming Machine Permit - New	300.00	300.00	0.00
Prize Gaming Machine Permit - Renewal	300.00	300.00	0.00
Prize Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Prize Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00
Club Machine Permit - New	200.00	200.00	0.00
Club Machine Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Machine Permit - Annual Fee	50.00	50.00	0.00
Club Machine Permit - Renewal	200.00	200.00	0.00
Club Machine Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Machine Permit - Variation	100.00	100.00	0.00
Club Machine Permit - Copy	15.00	15.00	0.00
Club Gaming Permit - New	200.00	200.00	0.00
Club Gaming Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Gaming Permit - Annual Fee	50.00	50.00	0.00
Club Gaming Permit - Renewal	200.00	200.00	0.00
Club Gaming Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Gaming Permit - Variation	100.00	100.00	0.00
Club Gaming Permit - Copy	15.00	15.00	0.00
Licenced Premises Gaming Machine Permit - New	150.00	150.00	0.00
Licenced Premises Gaming Machine Permit - Annual Fee	50.00	50.00	0.00
Licenced Premises Gaming Machine Permit - Variation	100.00	100.00	0.00
Licenced Premises Gaming Machine Permit - Transfer	25.00	25.00	0.00
Licenced Premises Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Licenced Premises Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00
Gaming Machines Automatic Entitlement	50.00	50.00	0.00

Unlicenced Family Entertainment Centre - New	300.00	300.00	0.00
Unlicenced Family Entertainment Centre - Renewal	300.00	300.00	0.00
Unlicenced Family Entertainment Centre - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Unlicenced Family Entertainment Centre - Copy of a Permit	15.00	15.00	0.00
Small Society Lottery - New	40.00	40.00	0.00
Small Society Lottery - Renewal	20.00	20.00	0.00

0%
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Appendix C – Explosives and Fireworks Legislation Statutory Fees

NEW -Licence to store explosives where, by virtue of regulation 27 of, and schedule 5 to, the 2014 regulations, a minimum separation distance of **greater than 0 metres** is prescribed.

One year's duration	£185.00
Two year's duration	£243.00
Three year's duration	£304.00
Four year's duration	£374.00
Five year's duration	£423.00

Renewal of licence to store explosives where a minimum separation distance of **greater than 0 metres** is prescribed.

One year's duration	£86.00
Two year's duration	£147.00
Three year's duration	£206.00
Four year's duration	£266.00
Five year's duration	£326.00

NEW Licence to store explosives where no minimum separation distance or a **0 metres minimum** separation distance is prescribed.

One year's duration	£109.00
Two year's duration	£141.00
Three year's duration	£173.00
Four year's duration	£206.00
Five year's duration	£238.00

Renewal of licence to store explosives where no minimum separation distance or a **0 metres minimum** separation distance is prescribed

One year's duration	£54.00
Two year's duration	£86.00
Three year's duration	£120.00
Four year's duration	£152.00
Five year's duration	£185.00

Varying a licence

Varying name of licensee or address of site	£36.00
Transfer of licence	£36.00
Replacement of licence	£36.00

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Appendix D – Explosives and Fireworks Legislation Discretionary Fees

Type	2018/19	2019/20
Any other kind of variation (Not varying name of licensee or address of site)	£469.00*	£554.00*
Explosives Assent Procedure	£310.00	£364.10
Copy of public register entry (per individual entry)	£26.00	£29.00

*The reasonable cost to the licensing authority of having the work carried out

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Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Licence Type				
All Casinos	See Gambling Act 2005 Policy Statement 2016 to 2019 paragraphs 36.1 and 36.2			
Licence Type	2018/19 Fees (£)	Proposed Fees 2019/20 (£)	Difference (£)	Difference (%)
Bingo premises licence				
Fee in respect of new premises	1,484.00	1,798.00	314.00	21%
Annual Fee	786.00	1,000.00	214.00	27%
Fee for application to vary licence	1,371.00	1,662.00	291.00	21%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,474.00	1,784.00	310.00	21%
Adult Gaming Centre Premises Licence				
Fee in respect of new premises	1,484.00	1,798.00	314.00	21%
Annual Fee	786.00	1,000.00	214.00	27%
Fee for application to vary licence	1,000.00	1,000.00	0.00	0%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,474.00	1,784.00	310.00	21%
Betting Premises (track) licence				
Fee in respect of new premises	1,484.00	1,798.00	314.00	21%
Annual Fee	786.00	1,000.00	214.00	27%
Fee for application to vary licence	1,250.00	1,250.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	1,474.00	1,784.00	310.00	21%
Family Entertainment Centre Premises Licence				
Fee in respect of other premises	1,484.00	1,798.00	314.00	21%
Annual Fee	750.00	750.00	0.00	0%
Fee for application to vary licence	1,000.00	1,000.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	1,474.00	1,784.00	310.00	21%

Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Betting Premises (other) licence				
Fee in respect of other premises	1,484.00	1,798.00	314.00	21%
Annual Fee	600.00	600.00	0.00	0%
Fee for application to vary licence	1,371.00	1,500.00	129.00	9%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,474.00	1,784.00	310.00	21%
Temporary Use of Premises				
Temporary Use Notice	500.00	500.00	0.00	0%
Occasional Use Notice	No Fee	No Fee	No Fee	No Fee
Replacement of an endorsed copy of a Temporary Use Notice	25.00	25.00	0.00	0%
Applicable to all gaming licences				
Change of circumstances fee - for all gaming licences	50.00	50.00	0.00	0%
Fee for copy licence - for all gaming licences	25.00	25.00	0.00	0%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2018 - 2019		2019 - 2020				
Licence Type	2018/19 Fee (£)	Licence Type	Calculated 2019/20 Fee (£) without surplus/deficit	Proposed 2019/20 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Drivers						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver training assessment)	235.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver assessment)	226.00	235.00	0.00	0.0%
		Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	249.00	249.00	0.00	0.0%
Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	202.00	Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	186.00	217.00	15.00	7.4%
		Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	193.00	224.00	0.00	0.0%
Driver's Knowledge Test Resit	53.00	Driver's Knowledge Test Resit	52.00	52.00	-1.00	-1.9%
Driver Badge replacement following damage or loss	45.00	Driver Badge replacement following damage or loss	45.00	45.00	0.00	0.0%
Driver Training assessment	23.00	Driver Training assessment	34.00	34.00	11.00	47.8%
Safeguarding Training	39.00	Safeguarding Training	48.00	48.00	9.00	23.1%
Vehicles						
Private Hire Vehicle - new	148.00	Standard Private Hire Vehicle - new	131.00	148.00	0.00	0.0%
Private Hire Vehicle - renewal	156.00	Standard Private Hire Vehicle - renewal	134.00	168.00	12.00	7.7%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

		Novelty Private Hire Vehicle - new	141.00	141.00	0.00	0.0%
		Novelty Private Hire Vehicle - renewal	145.00	145.00	0.00	0.0%
		Novelty Private Hire Vehicle - Transfer	87.00	87.00	0.00	0.0%
		Executive Private Hire Vehicle - new	133.00	133.00	0.00	0.0%
		Executive Private Hire Vehicle - renewal	136.00	136.00	0.00	0.0%
		Executive Private Hire Vehicle - transfer	78.00	78.00	0.00	0.0%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	108.00	Standard Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	86.00	108.00	0.00	0.0%
Hackney Carriage Vehicle - new	142.00	Hackney Carriage Vehicle - new	124.00	142.00	0.00	0.0%
Hackney Carriage Vehicle - renewal	159.00	Hackney Carriage Vehicle - renewal	128.00	159.00	0.00	0.0%
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	102.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	79.00	102.00	0.00	0.0%
		Trailer Licence - new	123.00	123.00	0.00	0.0%
		Trailer Licence - renewal	126.00	126.00	0.00	0.0%
Exterior plate replacement following damage or loss	45.00	Exterior plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Internal plate replacement following damage or loss	45.00	Internal plate replacement following damage or loss	45.00	45.00	0.00	0.0%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Fare Card replacement following damage or loss	2.50	Fare Card replacement following damage or loss	2.50	3.00	0.50	20.0%
Private Hire Door Signs (pair)	45.00	Private Hire Door Signs (pair)	45.00	45.00	0.00	0.0%
Licence Holder Transfer/Change of Details	24.00	Licence Holder Transfer/change of Details	24.00	24.00	0.00	0.0%

2018 - 2019		2019 - 2020				
Licence Type	2018/19 Fee (£)	Licence Type	Calculated 2019/20 Fee (£) without surplus/deficit adjustment	Calculated 2019/20 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Private Hire Operator - 5 Year - New						
Private Hire Operator - up to 30 vehicles	254.00	Private Hire Operator Small - up to and including 30 vehicles and one base	319.00	319.00	65.00	25.6%
Private Hire Operator - more than 31 vehicles	553.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	722.00	722.00	169.00	30.6%
Private Hire Operator - 5 Year - Renewal						
Private Hire Operator - up to 30 vehicles and one base	195.00	Private Hire Operator Small - up to and including 30 vehicles and one base	259.00	259.00	64.00	32.8%
Private Hire Operator - more than 31 vehicles and/or more than one base	538.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	663.00	663.00	125.00	23.2%

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Agenda Item 5 Appendix G Other Legislation Discretionary Fees FINAL

Appendix G - Other Discretionary Fees

2018-2019		2019-2020						
Licence Type	2018/19 Fee (£)	Licence Type	Calculated 2018/19 Fee (£) without surplus/deficit adjustment	Proposed 2019/20 Fee (£) including surplus/deficit adjustment		Difference (£)	Difference (%)	
Public Health								
Acupuncture Premises, inc. 1 person	153.00	Additional persons included on same application £29/person	152.00	244.00	Additional persons included on same application £29/person	91.00	59.5%	
Acupuncture Person	50.00	When application submitted separately from premises application	65.00	104.00	When application submitted separately from premises application	54.00	108.0%	
Electrolysis Premises, inc. 1 person	153.00	Additional persons included on same application (£29/person)	152.00	244.00	Additional persons included on same application (£29/person)	91.00	59.5%	
Electrolysis Person	50.00	When application submitted separately from premises application	65.00	104.00	When application submitted separately from premises application	54.00	108.0%	
Cosmetic-piercing Premises, inc. 1 person	153.00	Additional persons included on same application £29/person	152.00	244.00	Additional persons included on same application £29/person	91.00	59.5%	
Cosmetic-piercing Person and variation	50.00	When application submitted separately from premises application	65.00	104.00	When application submitted separately from premises application	54.00	108.0%	
Tattooing Premises, inc. 1 person	153.00	Additional persons included on same application £29/person	152.00	244.00	Additional persons included on same application £29/person	91.00	59.5%	

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Tattooing Person	50.00	When application submitted separately from premises application	65.00	104.00	When application submitted separately from premises application	54.00	108.0%	
Animals								
Dangerous Wild Animals (new)	242.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part therof @£24/hour	Dangerous Wild Animals (new) - where total licensing procedure takes no more than 9 hrs	270.00	270.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part therof @£25/hour	28.00	11.6%
Dangerous Wild Animals (renewal)	250.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24/hr	Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 3.75 hrs	112.00	290.00	+ vet fees; if exceed 3.75 hrs + hourly charge for each additional hour or part thereof @ £25 /hour	40.00	16.0%
Zoos (new)	782.00	+ vet fees	Zoos (new)	901.00	901.00	+ vet fees Initial application fee £603.67 Fee due after licence granted £297.33	119.00	15.2%

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Zoos (renewal)	723.00	+ vet fees Initial renewal fee £469 (includes deficit recovery) Fee due after renewal granted £254	Zoos (renewal)		671.00	848.00	+ vet fees Initial renewal fee £474.88 Fee due after renewal granted £373.12	125.00	17.3%
Scrap Metal									
Scrap Metal Dealer - Site (new)	638.00	Initial application fee £94 Fee due	Scrap Metal Dealer - Site (new)		636.00	638.00	Initial application fee £102.08 Fee due after licence granted £535.92	0.00	0.0%
Scrap Metal Dealer - Site (renewal)	2873.00	Initial renewal application fee £201 (includes deficit recovery) Fee due after renewal granted £544	Scrap Metal Dealer - Site (renewal)		636.00	2,873.00	Initial renewal application fee £459.68 Fee due after renewal granted £2,413.32	0.00	0.0%
Scrap Metal Dealer - Collectors (new)	194.00	Initial application fee £119 Fee due	Scrap Metal Dealer - Collectors (new)		198.00	198.00	Initial application fee £118.80 Fee due after licence granted £79.20	4.00	2.1%
Scrap Metal Dealer - Collectors (renewal)	469.00	Initial renewal application fee £226 (includes deficit	Scrap Metal Dealer - Collectors (renewal)		198.00	469.00	Initial renewal application fee £281.40 Fee due after renewal granted £187.60	0.00	0.0%

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Scrap Metal Dealer Site Manager Variation	90.00		Scrap Metal Dealer Site Manager Variation	83.00	90.00		0.00	0.0%
Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	50.00		Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	40.00	50.00		0.00	0.0%
Scrap Metal Dealer - collector to site variation	435.00	Initial application fee £250 Fee due after variation granted £185	Scrap Metal Dealer - collector to site variation	430.00	435.00	Initial application fee £252.30 Fee due after variation granted £182.70	0.00	0.0%
Scrap Metal Dealer - site to collector variation	105.00		Scrap Metal Dealer - site to collector variation	99.00	105.00		0.00	0.0%
Sex Establishments								
Sex Establishments (New)	2,362.00		Sex Establishments (New)	2,590.00	2,590.00		228.00	9.7%
Sex Establishments (Renewal)	1,679.00		Sex Establishments (Renewal)	1,837.00	1,837.00		158.00	9.4%
Street Trading Consents								
Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	76.00		Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	173.00	173.00		97.00	127.6%

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Each additional day or part thereof	4.00		Each additional day or part thereof (the dates must be confirmed on application)	4.00	4.00		0.00	0.0%
Street Trading Consents - Annual	494.00		Street Trading Consents - Annual	494.00	494.00		0.00	0.0%
Distribution of free printed matter								
Weekly permit	81.00		Weekly permit	75.00	81.00		0.00	0.0%
Monthly permit	115.00		Monthly permit	111.00	115.00		0.00	0.0%
Annual permit	150.00		Annual permit	147.00	150.00		0.00	0.0%
Miscellaneous								
Pleasure Boats & Vessels	168.00	+ marine surveyor's report fee	Pleasure Boats & Vessels	168.00	168.00	+ marine surveyor's report fee	0.00	0.0%
Gambling Act 2005 and Licensing Act 2003								
Copy of public register entry (per individual entry)	39.00		Copy of public register entry (per individual entry)	26.00	39.00		0.00	0.0%

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Appendix H - Other Discretionary Fees

2018-2019		2019-2020						
Licence Type	2018/19 Fee (£)	Licence Type	Calculated 2019/20 Fee (£) without surplus/deficit adjustment	Proposed 2019/20 Fee (£) including surplus/deficit adjustment		Difference (£)	Difference (%)	
Animals								
New licence type - no fee applicable in previous year			Dog Day Care < 10 new	305.15	483.00	Initial application fee £313.95 Fee due after licence granted £169.05	483.00	0.0%
New licence type - no fee applicable in previous year			Dog Day Care > 10 new	376.03	553.00	Initial application fee £359.45 Fee due after licence granted £193.55	553.00	0.0%
New licence type - no fee applicable in previous year			Dog Day Care < 10 renewal	237.35	415.00	Initial application fee £49.80 Fee due after licence granted £365.20	415.00	0.0%
New licence type - no fee applicable in previous year			Dog Day Care > 10 renewal	284.60	462.00	Initial application fee £46.20 Fee due after licence granted £415.80	462.00	0.0%
New licence type - no fee applicable in previous year			Dog Day Care < 10 additional activity	154.00	154.00		154.00	0.0%
New licence type - no fee applicable in previous year			Dog Day Care > 10 additional activity	224.00	224.00		224.00	0.0%
New licence type - no fee applicable in previous year			Breeding for dogs < 10 new	339.21	517.00	Initial application fee £356.73 Fee due after licence granted £160.27	517.00	0.0%
New licence type - no fee applicable in previous year			Breeding for dogs > 10 new	410.09	587.00	Initial application fee £399.16 Fee due after licence granted £187.84	587.00	0.0%

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New licence type - no fee applicable in previous year		Breeding for dogs < 10 renewal	237.35	415.00	Initial application fee £224.10 Fee due after licence granted £190.90	415.00	0.0%
New licence type - no fee applicable in previous year		Breeding for dogs > 10 renewal	260.97	438.00	Initial application fee £214.62 Fee due after licence granted £223.38	438.00	0.0%
New licence type - no fee applicable in previous year		Breeding for Dogs < 10 additional activity	155.00	155.00		155.00	0.0%
New licence type - no fee applicable in previous year		Breeding for Dogs > 10 additional activity	260.00	260.00		260.00	0.0%
New licence type - no fee applicable in previous year		Boarding for cats < 10 new	305.15	483.00	Initial application fee £313.95 Fee due after licence granted £169.05	483.00	0.0%
New licence type - no fee applicable in previous year		Boarding for cats > 10 new	376.03	553.00	Initial application fee £359.45 Fee due after licence granted £193.55	553.00	0.0%
New licence type - no fee applicable in previous year		Boarding for cats < 10 renewal	237.35	415.00	Initial application fee £49.80 Fee due after licence granted £365.20	415.00	0.0%
New licence type - no fee applicable in previous year		Boarding for cats > 10 renewal	284.60	462.00	Initial application fee £46.20 Fee due after licence granted £415.80	462.00	0.0%
New licence type - no fee applicable in previous year		Boarding for cats < 10 additional activity	188.00	188.00		188.00	0.0%
New licence type - no fee applicable in previous year		Boarding for cats > 10 additional activity	224.00	224.00		224.00	0.0%
New licence type - no fee applicable in previous year		Kennel Boarding < 10 animals new	305.15	483.00	Initial application fee £313.95 Fee due after licence granted £169.05	483.00	0.0%

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New licence type - no fee applicable in previous year		Kennel Boarding > 10 animals new	376.03	553.00	Initial application fee £359.45 Fee due after licence granted £193.55	553.00	0.0%
New licence type - no fee applicable in previous year		Kennel Boarding < 10 animals renewal	237.35	415.00	Initial application fee £49.80 Fee due after licence granted £365.20	415.00	0.0%
New licence type - no fee applicable in previous year		Kennel Boarding > 10 animals renewal	284.60	462.00	Initial application fee £46.20 Fee due after licence granted £415.80	462.00	0.0%
New licence type - no fee applicable in previous year		Kennel Boarding < 10 animals additional activity	154.00	154.00		154.00	0.0%
New licence type - no fee applicable in previous year		Kennel Boarding > 10 additional activity	224.00	224.00		224.00	0.0%
New licence type - no fee applicable in previous year		Home boarding < 10 animals new	305.15	483.00	Initial application fee £313.95 Fee due after licence granted £169.05	483.00	0.0%
New licence type - no fee applicable in previous year		Home boarding > 10 animals new	376.03	553.00	Initial application fee £359.45 Fee due after licence granted £193.55	553.00	0.0%
New licence type - no fee applicable in previous year		Home boarding < 10 animals renewal	237.35	415.00	Initial application fee £49.80 Fee due after licence granted £365.20	415.00	0.0%
New licence type - no fee applicable in previous year		Home boarding > 10 animals renewal	284.60	462.00	Initial application fee £46.20 Fee due after licence granted £415.80	462.00	0.0%
New licence type - no fee applicable in previous year		Home boarding < 10 animals additional activity	155.00	155.00		155.00	0.0%
New licence type - no fee applicable in previous year		Home boarding > 10 animals additional activity	226.00	226.00		226.00	0.0%

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New licence type - no fee applicable in previous year		Selling animals as pets < 10 new	305.15	483.00	Initial application fee £313.95 Fee due after licence granted £169.05	483.00	0.0%
New licence type - no fee applicable in previous year		Selling animals as pets > 10 new	376.03	553.00	Initial application fee £359.45 Fee due after licence granted £193.55	553.00	0.0%
New licence type - no fee applicable in previous year		Selling animals as pets < 10 renewal	237.35	415.00	Initial application fee £224.10 Fee due after licence granted £190.90	415.00	0.0%
New licence type - no fee applicable in previous year		Selling animals as pets > 10 renewal	284.60	462.00	Initial application fee £249.48 Fee due after licence granted £212.52	462.00	0.0%
New licence type - no fee applicable in previous year		Selling animals for pets < 10 additional activity	155.00	155.00		155.00	0.0%
New licence type - no fee applicable in previous year		Selling animals for pets > 10 additional activity	226.00	226.00		226.00	0.0%
New licence type - no fee applicable in previous year		Keeping or training animals for exhibition < 10 new	305.15	483.00	Initial application fee £313.95 Fee due after licence granted £169.05	483.00	0.0%
New licence type - no fee applicable in previous year		Keeping or training animals for exhibition > 10 n	376.03	553.00	Initial application fee £359.45 Fee due after licence granted £193.55	553.00	0.0%
New licence type - no fee applicable in previous year		Keeping or training animals for exhibition < 10 renewal	308.22	486.00	Initial application fee £315.90 Fee due after licence granted £170.10	486.00	0.0%
New licence type - no fee applicable in previous year		Keeping or training animals for exhibition > 10 renewal	379.10	556.00	Initial application fee £366.96 Fee due after licence granted £189.04	556.00	0.0%

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New licence type - no fee applicable in previous year		Keeping or training animals for exhibition < 10 additional activity	154.00	154.00		154.00	0.0%
New licence type - no fee applicable in previous year		Keeping or training animals for exhibition > 10 additional activity	224.00	224.00		224.00	0.0%
New licence type - no fee applicable in previous year		Hiring out horses < 10 new	340.39	518.00	Initial application fee £357.42 Fee due after licence granted £160.58	518.00	0.0%
New licence type - no fee applicable in previous year		Hiring out horses > 10 new	411.27	589.00	Initial application fee £400.52 Fee due after licence granted £188.48	589.00	0.0%
New licence type - no fee applicable in previous year		Hiring out horses < 10 renewal	272.58	450.00	Initial application fee £274.50 Fee due after licence granted £175.50	450.00	0.0%
New licence type - no fee applicable in previous year		Hiring out horses > 10 renewal	319.84	497.00	Initial application fee £293.23 Fee due after licence granted £203.77	497.00	0.0%
New licence type - no fee applicable in previous year		Hiring out horses < 10 additional activity	258.00	258.00		258.00	0.0%
New licence type - no fee applicable in previous year		Hiring out horses > 10 additional activity	153.00	153.00		153.00	0.0%
New licence type - no fee applicable in previous year		Horses Annual or variation of the licence inspection	58.00	58.00		58.00	0.0%
New licence type - no fee applicable in previous year		Licence variation with no inspection	48.00	48.00		48.00	0.0%
New licence type - no fee applicable in previous year		Licence variation with an inspection < 10 animals	126.00	126.00		126.00	0.0%

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New licence type - no fee applicable in previous year		Licence variation with an inspection > 10 animals	150.00	150.00		150.00	0.0%
New licence type - no fee applicable in previous year		Re-inspection request < 10 animals with no vet	132.00	132.00		132.00	0.0%
New licence type - no fee applicable in previous year		Re-inspection request > 10 animals with no vet	156.00	156.00		156.00	0.0%
New licence type - no fee applicable in previous year		Re-inspection request < 10 animals with a vet	166.00	166.00		166.00	0.0%
New licence type - no fee applicable in previous year		Re-inspection request > 10 animals with a vet	190.00	190.00		190.00	0.0%

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Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Local Government (Miscellaneous Provisions) Act 1982

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

Sex establishments - Schedule 3 paragraph 19

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay **a reasonable fee determined by the appropriate authority**.

Street Trading – Schedule 4 paragraph 9

(1) A district council **may charge such fees as they consider reasonable** for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

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(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Acupuncture - Section 14 (6)

A local authority **may charge such reasonable fees as they may determine** for registration under this section.

Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority **may charge such reasonable fees as they may determine** for registration under this section.

Local Government (Miscellaneous Provisions) Act 1976

Controls hackney carriages and private hire vehicles

Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847*, a district council **may demand and recover** for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, **such a fee as they consider reasonable with a view to recovering the costs of issue and administration** and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

*Town Police Clauses Act 1847

Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council **may charge such fees** for the grant of vehicle and operators' licences as may be resolved by them from time to time and **as may be sufficient in the aggregate to cover in whole or in part**—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

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purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Zoo Licensing Act 1981

Controls zoos – Section 15

(1) Subject to this section, the local authority **may charge such reasonable fees as they may determine in respect of**—

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- (a) applications for the grant, renewal or transfer of licences;
 - (b) the grant, renewal, alteration or transfer of licences;
- (2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.
- (2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—
- (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
 - (b) in connection with the exercise of their powers to make directions under this Act;
 - (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
 - (d) in connection with the exercise of their function under section 16E(7) or (8).
- (2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.
- (3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.
- (4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.
- (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

Breeding of Dogs Act 1973

Controls breeding establishments for dogs – Section 3A

- (1) The costs of inspecting premises under this Act and the Breeding of Dogs Act 1991 shall be met by the local authority concerned.
- (2) **A local authority may charge fees—**
- (a) in respect of applications for the grant of licences under this Act; and
 - (b) in respect of inspections of premises under section 1(2A)* of this Act.
- (3) A local authority may set the level of fees to be charged by virtue of subsection (2) of this section—
- (a) with a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act and the Breeding of Dogs Act 1991; and

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(b) so that different fees are payable in different circumstances.

* Section 1(2A)

On receipt of an application by a person to a local authority for the grant of a licence under this Act in respect of any premises—

(a) if a licence under this Act has not previously been granted to the person in respect of the premises, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the authority; and

(b) in any other case, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner or by an officer of the authority (or by both).

Animal Boarding Establishments Act 1963

Controls boarding establishments for dogs and cats – Section 1

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

(a) under this Act, from keeping a boarding establishment for animals; or

(b) under the Pet Animals Act 1951, from keeping a pet shop; or

(c), (d) . . . ; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals, or

(f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006, or

(g) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

and **on payment of such fee as may be determined by the local authority**, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

Pet Animals Act 1951

Controls pet shops – Section 1

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and **on payment of such fee as may be determined by the local authority**, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

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Riding Establishments Act 1964

Controls hiring of horses for riding and instruction in riding – Section 1

- (2) Every local authority may, on application being made to them for that purpose by a person who is an individual over the age of eighteen years or a body corporate, being a person who is not for the time being disqualified,—
- (a) under this Act from keeping a riding establishment; or
 - (b), (c) . . . ; or
 - (d) under the Pet Animals Act 1951, from keeping a pet shop; or
 - (e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals; or
 - (f) under the Animal Boarding Establishments Act 1963, from keeping a boarding establishment for animals; or
 - (g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006; or
 - (h) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

grant, **on payment of such fee as may be determined by the local authority** a licence to that person to keep a riding establishment at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

Dangerous Wild Animals Act 1976

Controls dangerous wild animals as listed in the Act – Section 1

- (2) A local authority shall not grant a licence under this Act unless an application for it—
- and
- (e) is accompanied **by such fee as the authority may stipulate** (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

Performing Animals (Regulation) Act 1925

Controls performing animals – Section 1

- (1) No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.
- (2) Every local authority shall keep a register for the purpose of this Act, and any person who exhibits or trains animals as aforesaid on making an application in the prescribed form to the local authority of the district in which he resides, or if he has no fixed place of residence in Great Britain, to the local authority of

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such one of the prescribed districts as he may choose, and **on payment of such fee as appears to the local authority to be appropriate** shall be registered under this Act, unless he is a person, who, in pursuance of an order of the court made under this Act, is prohibited from being so registered.

(3) Any application for registration under this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register.

(4) The local authority shall give to every person whose name appears on the register kept by them a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Act shall at all reasonable times be open for inspection and any person shall be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by a local authority shall be transmitted by the authority to the Secretary of State and shall be available for inspection at all reasonable times.

(8) **A local authority may charge such fees as appear to them to be appropriate for inspection of the register, for taking copies thereof or making extracts there from or for inspection of copies of certificates of registration issued by them.**

Public Health Acts Amendment Act 1907

Controls pleasure boats/vessels - Section 94

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and **may charge for each type of licence such annual fee as appears to them to be appropriate.**

Environmental Protection Act 1990

Controls free printed matter – Schedule 3A paragraphs 3 & 4

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority **may require the payment of a fee before giving consent under paragraph 3 above.**

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(2) The amount of a **fee under this paragraph is to be such as the authority may determine**, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

Gambling Act 2005

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007
- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

- (2) the authority—
- (a) shall determine the amount of the fee,
 - (b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),
 - (c) shall publish the amount of the fee as determined from time to time, and
 - (d) **shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a**

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reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

Premises licences (Section 156)

(1) A licensing authority shall—

- (a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,
- (b) make the register and information available for inspection by members of the public at all reasonable times, and
- (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

- (a) retain it for at least 18 months,
- (b) make it available for inspection by members of the public at all reasonable times, and
- (c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

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(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Appendix I

Prize gaming permits (Schedule 14 paragraph 23)

- (1) A licensing authority shall—
 - (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
 - (b) make the register and information available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) **A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.**

Scrap Metal Dealers Act 2013

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

- (1) An application **must be accompanied by a fee set by the authority.**
- (2) In setting a fee under this paragraph, the authority must have regard to any guidance* issued from time to time by the Secretary of State with the approval of the Treasury.

*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

Licensing Act 2003

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees.

In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

- (4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.
- (5) A licensing authority **may charge such reasonable fee as it may determine** in respect of any copy supplied under subsection (4).

Caravan Sites and Control of Development Act 1960

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional

Appendix I

arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

Licences for which the licensing authority is NOT permitted to charge

- **House-to-house collections:** House to House Collections Act 1939
- **Street collections:** Police, Factories, etc. (Miscellaneous Provisions) Act 1916

Appendix I – Licensing Costs, Income and Surplus/Deficit

Table 1 – All Licences

	Overall (£)	HCPH* (£)	Licensing Act 2003 (£)	Public Health (£)	Animals (£)	Explosives (£)	Scrap Metal (£)	Misc.** (£)	Gambling Act 2005 (£)
Total Costs	661,829	327,090	196,645	9,440	33,278	23,292	15,939	31,077	25,068
Total Income	717,690	280,402	354,069	5,023	41,364	2,452	1,234	7,373	25,771
(Surplus) / Deficit 2017/18	(53,159)	46,687	(157,424)	4,417	8,085	20,840	1,234	23,704	(702)
Cumulative (Surplus) / Deficit 2014/15-2017/18	87,939	125,350	(371,861)	11,765	51,794	26,444	51,506	185,816	7,123

*Hackney carriage, private hire vehicle and operator licences and hackney carriage and private hire vehicle drivers' licences – see Table 2 for further breakdown

** Includes caravan site licences, sex establishments, free printed matter, street collections, street trading, pleasure boats and vessels

Table 2 – Hackney Carriage and Private Hire Licences

	Hackney Carriages (£)	Private Hire Vehicles (£)	Joint Drivers (£)	Operators (£)
Total Costs	33,635	160,485	119,348	13,620
Total Income	28,304	137,253	102,947	11,898
(Surplus) / Deficit 2017/18	5,331	23,232	16,401	1,722
Cumulative (Surplus) / Deficit 2014/15-2017/18	12,845	55,520	57,570	(586)

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<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	6
3rd October 2018	Public

Statement of Licensing Policy – Licensing Act 2003

Responsible Officer Mandy Beever, Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 The Licensing Act 2003 ('the Act') requires the Council to prepare and publish a statement of licensing policy with respect to its licensing functions at least every five years. During the five-year period, the policy must be kept under review and the Council may make any revisions to it as it considers appropriate.
- 1.2 As agreed by the Strategic Licensing Committee, a period of formal consultation has been undertaken in respect of the draft statement of licensing policy that was considered by the Committee on 20 June 2018. This report sets out the representations received from consultees for further consideration which has resulted in minor amendments to the draft policy statement, with a view to agreeing a revised statement that may be reported to the Council for final approval.

2. Recommendations

- 2.1 That the Committee considers the representations received following the formal consultation on the draft Statement of Licensing Policy 2019 to 2024 and the 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance'. The Committee agrees with the officers' comments in **Appendix A** in response to the comments made and recommends to the Council that the policy statement is published and advertised by the Operations Manager – Trading Standards & Licensing in accordance with the provisions of the Act and that the policy statement will take effect from 1 April 2019.

- 2.2** That the Committee delegates to the Operations Manager – Trading Standards & Licensing, in consultation with the Chair of the Strategic Licensing Committee, the authority to amend any typographical errors and/or administrative inconsistencies in the proposed Statement of Licensing Policy as set out in **Appendix B** prior to the policy statement being presented to the Council for final approval.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1** The preparation and publishing of the statement of licensing policy is a legal requirement under the Act. There is no requirement to prepare and publish supporting guidance and as such it is proposed that the guidance set out at **Appendix C** will sit outside the policy to allow this to be regularly updated by officers to reflect current best practice.
- 3.2** If the Council fails to prepare and publish the statement of licensing policy the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the statement of licensing policy, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise those functions.
- 3.3** There are no direct legal consequences for failing to provide supporting guidance; however, the proposed guidance aims to assist applicants and existing licence holders to meet the requirements of the policy and reduce the burden on the Licensing Service and other Responsible Authorities.
- 3.4** An Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken, utilising evidence already held by the service area and the results of the public consultation.

- 3.5** For people in Protected Characteristic groupings in the community, and for those at risk of social exclusion, as indicated in the ESIIA the impact of the proposed policy is rated as ‘low positive’. However, in practice the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings. The full ESIIA document can be found at **Appendix D**.
- 3.5** There is no anticipated environmental impact associated with the recommendation in this report.
- 3.6** The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with relevant legal procedures prescribed by the Act and with guidance issued by the Home Office.

4. Financial Implications

- 4.1** The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs of publishing the statement of licensing policy. These costs are recovered through the statutory licensing fees.

5. Background

- 5.1** The Council has ultimate responsibility for determining the Council’s statement of licensing policy and this cannot be undertaken by the Strategic Licensing Committee or Cabinet.
- 5.2** The consultation was undertaken for a ten week period from 25 June 2018 to 2 September 2018.
- 5.3** There are no defined legal procedures that must be adhered to by the Council prior to the statement of licensing policy taking effect; other than to ensure the statement of licensing policy is the subject of consultation and is published. The Council may determine the most appropriate means by which to achieve this.

- 5.4** In addition to consulting on the actual policy, consultation was also undertaken in respect of the ‘Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance’. The proposed guidance aims to assist applicants and existing licence holders to meet the requirements of the policy. Whilst there is no specific legal requirement in the Act to consult on the supporting guidance, because the guidance and the policy are inextricably linked, it was deemed appropriate to consult on the guidance at the same time as undertaking the policy consultation. This ensured that all stakeholders were fully aware of both the policy and the practical approach that the Council intended to adopt over the next five years.
- 5.5** There was a limited response to the consultation with 10 responses received. Broadly, there was support for both the revised policy and the guidance and the opportunity to comment on what was seen as a constructive piece of work was welcomed; of particular note is the support from the Council’s planning service, which is one of the key responsible authorities, that the licensing team is very keen to foster more effective working relationships with in order to promote the licensing objectives; hence this feedback was very encouraging.
- 5.6** Positive comments were received to the effect that the policy is comprehensive and concise and yet comprehensible, omitting jargon and easy to read. It is considered a ‘significant betterment’ on the existing policy with added clarity on roles and responsibilities. The fact that the policy makes it clear that whilst the Council will aim to advise a business, it is ultimately the business’ responsibility to ensure that it meets the four licensing objectives and this position was supported by the responsible authority that has responsibility for preventing public nuisance. The same responsible authority also considered the creation of a responsible authority role within the licensing function of Shropshire Council as a betterment to the existing position as it will encourage links between different Council functions as well as providing additional advice and guidance to all. In addition, the fact that the Council will look to liaise with the licence holder to propose amended or new conditions in relation to licence variations is fully endorsed and recognised as a suitable way of keeping licenses relevant and up to date. Further comments indicated the policy is to be welcomed and commended, with the

procedures seen as good implementation of the legislation that actively requires applicants to provide adequate and detailed information to enable sound licencing decisions.

- 5.7** However, one village hall committee did respond indicating that it was unrealistic for such a committee to be expected to comment on such a lengthy and technically worded document. It was suggested that a digest could be produced to assist understanding that would lead to further consultation responses. An individual response was sent to the village hall committee concerned explaining the reasons for the extent of the technical detail and that legally the Council is required to consult on the whole policy. It is (and always was) the intention to include an executive summary for the policy. This will be drafted and included in the policy after the consultation process has ended and the main body of the policy is approved.
- 5.8** The supporting ‘Premises Licence Operating Schedules and Premises Plans Guidance’ is also welcomed, particularly in respect of highlighting the importance and extent of the details required in the operating schedule of the application forms.
- 5.9** No major changes were made to the policy or the guidance as a result of the feedback. A small number of minor clarifying amendments were made to:
- ensure any confusion over what is meant by ‘the Council’ was removed;
 - that it is clear that the planning and licensing regimes consider different aspects and aim to protect the local environment to different levels and that, as a result, it is entirely possible that there may be conflict in respect of conditions placed through each regime;
 - enhance the wording in the list of matters that the Council will consider, and expects applicants to fully address, in relation to demonstrating that each of the licensing objectives is met;
 - enhance the list of matters that need to be included in the physical description of the premises to include reference to glazing specifications and whether windows are capable of being opened; and

- strongly encourage applicants and existing licence/notice holders to consider other appropriate guidance, particularly where it is produced by a responsible authority, in order to fully understand the provisions of the Licensing Act 2003.

- 5.10** Where feedback was received that has not led to changes to either the policy or the guidance, this is because the Act does not permit the changes suggested, the matter was already addressed in a different paragraph within the policy, or changes were not justified in the circumstances described
- 5.11** Changes have also been made by officers to correct drafting errors and to take into account further advice from both the Shropshire Safeguarding Children Board (SSCB) Business Manager and the Head of Children's Social Care and Safeguarding with respect to determining the body competent to take on the responsible authority role in respect of the licensing objective relating to the protection of children from harm. The draft policy originally proposed the SSCB to be the body competent; however, following discussions with interested parties around the practical application and implementation of this responsible authority role, it was agreed that the body competent would be changed to Shropshire Council's Children's Services. However, there was a recognition that the SSCB will be the body where matters of concern, relating to the protection of children from harm, would be reported where they are not being adequately addressed by any or all of the responsible authorities or the licensing regime as a whole.

6. Additional Information

- 6.1** Unless there are specific reasons for an earlier review and publication of a revised statement of licensing policy, the Council will be required to undertake the next formal consultation process under the Act during 2023 with the aim of a revised statement of licensing policy being effective from 1 April 2024.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The Licensing Act 2003 - 2003 Chapter 17

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 - SI 2000/2853

Home Office Amended Guidance Issued Under Section 182 of the Licensing Act 2003 – April 2018

Shropshire Council Statement of Licensing Policy 2014 – 2019

Strategic Licensing Committee Report – ‘Statement of Licensing Policy Licensing Act 2003’ dated 20 June 2018

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

Cabinet Member (Portfolio Holder)

Councillor Joyce Barrow, Portfolio Holder for Communities, Waste & Regulatory Services

Local Member

The report has county wide application

Appendices

Appendix A :Summary of officers’ comments in response to the consultee responses received during the consultation

Appendix B : Licensing Act 2003 Proposed Statement of Licensing Policy 2019 to 2024

Appendix C : Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance

Appendix D : Equality and Social Inclusion Impact Assessment (ESIIA)

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Jessica Moores

From: [REDACTED]
Sent: 29 June 2018 08:15
To: Licensing
Subject: Consultation

Categories: Jess

Good Morning

I have looked at this and being a member of the public and not involved in any licensing my comment is that the protection of children is to be commended. I feel that a lot of the information would be of interest to the general public. Perhaps you should drip feed the information through the press at regular intervals so that we all become aware of the responsibilities of licence holders.

Many thanks

Jessica Moores

From: [REDACTED]
Sent: 16 July 2018 09:57
To: Licensing
Subject: Shropshire Council seeks views on Statement of Licensing Policy 2019-2024

Categories: Jess

In response:

Page 18 UK Border Agency (currently Boarder).

Page 27 Liquor (currently liqueur)?

Page 27 Confectionery (currently confectionary).

I found the document comprehensive and concise and yet comprehensible, omitting jargon and easy to read.

One suggestion would be to prepare flowcharts [Appendix] – there are a lot of actions to be taken to effect various licences and a first time applicant may find it easier to follow a flowchart as to what is required.

[REDACTED]

[REDACTED]

Jessica Moores

From: [REDACTED]
Sent: 17 July 2018 23:13
To: Licensing
Subject: Consultation on Statement of Licensing Policy 2019-2024

Dear Sirs

The Parish Council has considered the above Consultation and requests that you note that it has no comment to make.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Your personal information is being processed by [REDACTED] We are devoted to managing personal information in line with current legislation and best practice, this includes the new General Data Protection Regulation (GDPR) which is active from May 25th, 2018. Whenever you provide personal information, we will treat information in accordance with our privacy policy. To find out more and view our privacy policy, please visit – [REDACTED] or contact the [REDACTED]

Jessica Moores

From: [REDACTED]
Sent: 18 July 2018 14:41
To: Licensing
Subject: Consultation Licensing Policy

Categories: Sam

Sirs,

One initial comment I would like to make is that many pubs are blamed for turning out drunken youngsters. The public see drunken youngsters leaving pubs, but are not aware that many of these youngsters have drunk much cheap alcohol at home before going into town and are often well imbibed before they try and get a drink in a pub - the pub getting the blame for encouraging youngsters to drink and causing the problem.

Perhaps the supermarkets should raise the prices of their cheap beers and ciders.

Jessica Moores

From: [REDACTED]
Sent: 30 July 2018 21:07
To: Licensing
Subject: Review of Licensing Regulations

Categories: Jess

Dear Jessica Moores

Re consultation on licensing regulations

As presented at present this is unrealistic. How can Village Hall Committees be expected to comment on over 100 pages of technically worded detail ? Surely it must be possible to produce a digest to assist understanding, leading to responses.

[REDACTED]

Jessica Moores

From: Jessica Moores on behalf of Licensing
Sent: 01 August 2018 15:44
To: [REDACTED]
Subject: RE: Review of Licensing Regulations

Dear [REDACTED]

Thank you for your email regarding the Council's draft Statement of Licensing Policy 2019 – 2024.

It is a legal requirement of the Council (under Part 2 Section 5 of the Licensing Act 2003) to consult on the full draft policy document.

We appreciate that the document is long and does go into technical details. It is important though that the policy explains in detail how the Council expects applications to be made, how licence and notice holders are expected to operate under their authorisations and what the consequences are if this doesn't happen.

We must have consulted on the full document in order to be sure that the responses we are receiving have given full consideration to the whole document and the detail within it, ensuring that the approach the Council proposes is appropriate.

For the above reasons it would not be suitable to produce a digest or overview for consultation. When the policy is adopted and published an executive summary will be added at the beginning.

Kind regards

Jessica Moores
Public Protection Officer - Professional
Trading Standards & Licensing

☎ 0345 678 9026
✉ licensing@shropshire.gov.uk | 🌐 www.shropshire.gov.uk
✉ Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: [REDACTED]
Sent: 30 July 2018 21:07
To: Licensing <licensing@shropshire.gov.uk>
Subject: Review of Licensing Regulations

Dear Jessica Moores

Re consultation on licensing regulations

As presented at present this is unrealistic. How can Village Hall Committees be expected to comment on over 100 pages of technically worded detail? Surely it must be possible to produce a digest to assist understanding, leading to responses.

Kate Roberts

From: [REDACTED]
Sent: 24 August 2018 10:15
To: Licensing
Subject: Response to Consultation on Licensing Policy

Dear sir/ Madam,

Comments on Guidance

In commenting on the relevant section of the draft guidance I would concur with the advice given in relation to Opening Hours. The information contained within this document is correct and in line with the advice provided by the Planning Service. The Planning Service regularly liaise with licensing in order to ensure that premises are operating with the correct hours as defined by their license, planning permission or both. I would reiterate that any premises failing to comply with the appropriate operating hours as defined by a planning permission would be at risk of enforcement proceeding which the Licensing Team will be consulted upon and informed of.

While applicants may seek to remove or vary existing opening hours restrictions on their planning permission, having the relevant license in place does not guarantee that planning will agree and consider these hours appropriate – planning will advise if they consider alternate hours to those applied for on the license to be appropriate. Planning consider the implication of restricted opening hours against a number of factors including, but not limited to the impact on neighbouring residential amenity, neighbouring uses and the proposed use of the premises. As a result it is strongly advised that planning permission is obtained in the first instance.

Comments on Licensing Policy

The information contained within this document is correct and in line with the advice provided by the Planning Service. Planning concur with the information contained within the draft policy and will at every appropriate opportunity support the Licensing Service in implementing this policy together with consulting upon submitted licensing applications together with enforcement protocols should they be necessary.

While it is acknowledged that licensing and planning are separate regimes and decisions are made independently, information will be passed between the two teams regularly to ensure all premises and applicants are in compliance with the appropriate legislation. I would reiterate that due to the differences between the regime it is strongly advised that the correct planning permission is in place in the first instance. When consulted upon a licensing application as a responsible authority, the Planning Service will provide information on the existing planning permissions, restrictions and enforcement proceedings on site. Should it be considered that the licensable activity proposed on site would detrimentally affect something which planning would later consider under a planning application (to regularise an existing permission or obtain the appropriate permission), we will comment/object to the license being issued while providing the relevant information to the applicant on how to sufficiently address the planning considerations in the first instance so that the corresponding license can be issued in turn.

I would also highlight that when applying for TENs applicants should be aware that unless express planning permission has been obtained on site there are limits on the number of events each premises/landholding can host within a given time period and as such obtaining a TEN does not necessarily imply that the event/use of land proposed is acceptable in planning terms. Applicants should check this prior to applying for a TEN in the early stages of planning an event.

Should any applicant for a License have any queries regarding the planning permission on their premises/land including existing restrictions in place (opening hours etc.) they should contact the planning department. Alternatively if their premises does not currently have planning permission for their desired use and they would like to seek advice as to the likelihood of this planning permission being granted they may utilise our pre-application service or submit a planning application.

Kind Regards,

Jessica Moores

From: Gina Wilding <townclerk@ludlow.gov.uk>
Sent: 28 August 2018 15:46
To: Licensing
Subject: Shropshire Council Statement of Licensing Policy 2019-2024

Categories: Jess

Hello,

Please find Ludlow Town Council's response to Shropshire Council's **Statement of Licensing Policy 2019-2024** below:

Representational Committee

RESOLVED (unanimous)

GG/DL

To welcome and commended the statement of licensing policy and the procedures as good implementation of the legislation that actively requires applicants to provide adequate and detailed information to enable sound licencing decisions.

Kind regards,
Gina

Gina Wilding BA (Hons)
Town Clerk

Ludlow Town Council
01584 871 970

www.ludlow.gov.uk

**PRIVACY NOTICE**

Ludlow Town Council collects and manages personal data under the Data Protection Act 1998 and the General Data Protection Regulations 2018. Your information will be lawfully processed by the Council within the terms of our privacy policy. To find out more about our privacy arrangements, please access the Council's website www.ludlow.gov.uk where our full Privacy Notice and Privacy Policy can be viewed.

Kate Roberts

From: [REDACTED]
Sent: 02 September 2018 12:28
To: Licensing
Cc: [REDACTED]
Subject: Environmental Protection comments on Premises License consultation
Attachments: Environmental Protection comments on Licensing Policy.docx

Good afternoon,

Please find attached comments from Environmental Protection on the Licensing Act 2003 Proposed Statement of Licensing Policy 2019 – 2024.

Kind Regards,

[REDACTED]

Public Protection Officer
Regulatory Services
Public Health
Shropshire Council

Tel: [REDACTED]

Email: [REDACTED]

Postal address: Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Environmental Protection comments on Shropshire Council's Licensing Act 2003 Proposed Statement of Licensing Policy 2019 – 2024

Environmental Protection's role

1. The consultation documents have been considered by Shropshire Council's Environmental Protection team. Environmental Protection are the Responsible Authority focussing primarily on the Licensing Objective Prevention of Public Nuisance. In doing so premises license premises license application, variations, and Temporary Event Notices are reviewed and comments made where it is considered necessary to prevent public nuisance.
2. In addition to reviewing applications Environmental Protection investigate complaints of public nuisance and take appropriate and necessary actions based on the outcomes of any investigation. Action may involve informal actions and advice through to formal action including bringing forward premises license reviews or prosecution for the breach of premises license conditions.
3. Other formal actions can involve action outside of the Licensing Act 2003 as amended provisions such as serving notices under the provisions of the Environmental Protection Act 1990 in relation to statutory nuisance however this falls outside of the reach of this consultation document.
4. Environmental Protection provide comments on planning applications which, as noted in the consultation document is a separate regime to the Licensing Regime. It is likely that Environmental Protection will have comments on both regimes where a new licensed premise comes forward. Each regime is designed to achieve acceptable development/business activity to differing degrees although both in part considering the impact of the business on the locality. For example, the planning system focuses amongst other things on the impact on residential amenity of any land proposed while the licensing regime considers the impact of a licensed premises and its likelihood of creating a public nuisance. As these regimes have differing objectives it stands that they may require different conditions to ensure that the impact from a premises is considered reasonable. Public protection consider this and the differences between the two regimes and comment on applications in a joined up fashion to ensure that between the two regimes suitable, appropriate and necessary controls are in place allowing a business to have a clear notion of how they must operate. Generally physical attributes of a premises will be considered at the planning stage while management aspects will be considered through the licensing process.
5. It is in capacity as a responsible authority for the licensing objective prevention of public nuisance that Environmental Protection has reviewed the consultation documents and provides comment.

General commentary

6. The consultation document is considered to be a significant betterment on the past policy adding clarity on roles and responsibilities. It is made clear that while the Licensing Authority will aim to advice a business where possible that ultimately it is the businesses responsibility to ensure that it meets the four licensing objectives. Environmental Protection echo this view.
7. It is noted that the consultation document refers to "The Council" throughout as well as Licensing. It is considered that when the document refers to "The Council" that it is referring to the Licensing Authority and functions carried out within the Council's Licensing Team. Environmental as a Responsible Authority are also part of Shropshire Council it is advised that thought is given to the phrase "The Council". For example, using the wording "The Licensing Authority" or "The Council's Licensing function" may clearly make the distinction between the Council's Licensing function and others such as Development Control responsible for planning aspects and Environmental Protection. Alternatively defining what is meant by "The Council" at the start of the document could be considered.
8. Section 10.6 notes that the Licensing Authority will consider carefully any conflict that may exist between license applications and other regimes e.g. planning regime, building control. A suggestion is that a line is added to this paragraph to state that as the planning regime and licensing regime consider different aspects and aim to protect the local environment to different levels. With this in mind it is entirely possible that there may be conflict in respect of conditions placed through each regime.
9. It is suggested that paragraph 10.8 is extended with the following words at the end of the paragraph "including the nature and character of the locality".
10. The creation of a Responsible Authority role within the Licensing function of Shropshire Council is considered a betterment to the existing scenario. Environmental Protection consider this will encourage links between different Council functions as well as providing additional advice and guidance to all.
11. On page 29 an addition to the end of the bullet point second to last on the page is suggested as follows "to demonstrate that each of the licensing objectives is met".
12. Clarification is sought on paragraph 28.11. Should notice be given to Responsible Authorities the first working day after an application is received or the first working day after an application is considered valid by the Licensing Authority.
13. Paragraph 33.5 states that during a full variation, and paragraph 34.6 which discusses minor variations states the Council will look to liaise with the license holder to propose amended or new conditions. Environmental Protection fully endorse this approach. This is considered a suitable way of keeping licenses relevant and up to date.
14. Paragraph 36.1 says that a DPS should be the person who has a day to day responsibility for running the premises. Environmental Protection suggest consideration is given to changing

the word should to shall if this is possible to ensure that any DPS is contactable and aware of how a premises is being run.

15. Paragraph 46.17 states that the notice giver in relation to TENs shall be informed of the Council's position "within 24 hours of the day of the event". If it is possible to inform the notice giver before 24 hours of the day of the event it is advised that this is noted where possible.
16. Appendix B under the heading Premises License Operating Schedules and Premises Plans Guidance. Paragraph 2.1 and 2.2 are commended for inclusion. In addition a paragraph 2.3 is suggested as follows, "Where insufficient information is submitted or where information provided is unclear the application shall not be validated until such a time as all relevant information has been provided".
17. Within paragraph 4.1 addition bullet points are proposed as follows:
 - Where entrances and exits exist details on the provision of lobbies shall be provided. Where lobbies are not provided this may impact on the activities and timings of activities that the premises carries out. Lobbies are recommended on all entrances/exits.
 - Glazing specification should be provided e.g. single/double glazed, secondary glazed, triple glazed. Are windows capable of being opened.
 - Where are nearest residential receptors located – preferable noted on a map/plan. The information above will help Environmental Protection make relevant comments on any application.
18. At the end of paragraph 5.5an additional bullet point is suggested as follows:
 - External music in areas where there are residential properties in close proximity is likely to cause complaint and where frequent, regular, to such a volume or a combination of these factors is considered likely to create a public nuisance and undermine the Licensing Objective Prevention of Public Nuisance. Applicants should be aware of this and should they require external music should provide control measures to mitigate and ensure that no public nuisance occurs.

Specific Environmental Protection additions

19. Environmental Protection as a responsible authority for consideration of Prevention of Public Nuisance are considering writing specific guidance for Licensed Premises operators, license holders and DPS. Guidance proposed will consider what Environmental Protection considers likely to cause a public nuisance and what mitigation measures premises could employ to ensure that it can operate as it intends. The guidance is proposed to consider when mitigation is likely to be necessary and what the consequences of omitting to have mitigation may be.
20. Any guidance produced will aid businesses by providing consistent information to be applied to all. In this way businesses will be clear on how Environmental Protection seeks to ensure that the Licencing Objective Prevention of Public Nuisance is upheld and what is expected of them, what controls are required for particular activities and what mitigation measures may be available to them should they propose to expand or alter operations including looking to extend opening hours, carry out music or hold music events in internal and/or external areas.
21. It is the intention that guidance produced shall be published on Shropshire Council webpages.
22. Environmental Protection request that the consultation document notes that premises license applicants, license holders, DPS's and any other interested parties should consider any guidance made available by responsible authorities and that guidance made available will be given weight when considering any decision on the granting of premises license.

From: [REDACTED]
Sent: 02 September 2018 16:23
To: Licensing
Subject: Public consultation Licensing policy

Individual citizen's response from Shrewsbury town centre

1. This is a useful piece of work, and an opportunity to make constructive improvements to the present situation is welcome.
2. It seems disappointing that
 - 2.1 it has not been possible to synthesise the planning and licensing regulations, whose differing outcomes have led to a number of current difficulties
 - 2.2 there is no summary of public complaints about their experience of the current system, and how the new policy seeks to address these
 - 2.3 it appears that is a complainant's responsibility to deal with any issues directly, with the officers very much as a second string – a bit of an unequal playing field
3. The night time economy seems to be regarded as a given good thing except in terms of alcohol related behaviour at its extreme. I do not recall any public discussion on its wider impact.
4. Any concerns seem to be related to street behaviour external to premises. There are many people affected as individual neighbours of late-night premises in terms of noise from late-night use of the rears of licensed premises. This has been exacerbated by smoking regulations, and by the technological change of shelters and heaters, enabling and encouraging use of "gardens" for activities which were previously contained inside a building.
5. I think that anything which reduces the wish of people to remain in residential properties in centres is bad, and ignores the benefit e.g to Shrewsbury of maintaining the tourist attraction of having a living town with historically and architecturally interesting buildings occupied and maintained. The Big Town plan for the future would seem to endorse this.
6. Overnight tourism is important to Shrewsbury, and on balance I think that evening and latenight peace is to be preferred to its evening economy-driven alternative. What is BID's view?

Thank you.

Appendix A

Officer response to consultation response received

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part, Not Applicable (N/A) or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
1	1	SP	Supporting comments noted.
2	1	Y/SP	<p>Page 18 spelling error corrected.</p> <p>Page 27 'Liqueur' is the correct spelling in the context of 'liqueur confectionery'. Page 27 both 'confectionery' and confectionary' are acceptable and appear to be interchangeable, however on further research 'confectionery' appears to be more widely used in the context of 'liqueur confectionery' therefore spelling amended.</p> <p>Supporting comments noted.</p> <p>It is felt that the descriptions provided within the Policy to assist applicants in making applications are adequate. This is in combination with the application forms, which are easy to follow, and the advice and assistance available from officers. Flow charts would have the potential to be overly complicated and not account for every situation, due to the sometimes complex nature of the application process and the applications being made.</p>
3	1	N/A	Having considered the draft policy, Selattyn & Gobowen Parish Council had no comments to make.
4	1	N/A	Comments noted but it is not within the scope of this policy to address alcohol pricing in supermarkets. It should however be noted that licensed premises have a legal responsibility not to serve alcohol to already intoxicated individuals.
5	1	N/A	See document 6 for officer's response to consultee.
6	1	N/A	This document is a copy of the officer's response to the consultee document number 5.
7	1	SP	Supporting comments and advice on planning process noted.
8	1	SP	Support of draft policy noted.
9	6	SP	Supporting comments noted.
9	7	Y	Paragraph 1.1 amended to clarify the meaning of 'the Council' in the policy.
9	8	Y	Paragraph 10.6 amended.
9	9	N	Officers note at paragraph 10.8 'nature and character of the locality' forms part

			of the consideration of an application/notice on its own merit.
9	10	SP	Comments noted.
9	11	Y	Paragraph 27.2 amended.
9	12	N	Paragraphs 28.7 and 28.8 describe at what point an application is considered valid and will then therefore be submitted to Responsible Authorities.
9	13	SP	Consultees supporting comments on the Council's approach noted.
9	14	N	It is not possible to require the Designated Premises Supervisor to be the day to day manager of a premises, although this would be the preferred situation.
9	15	N	24 hours is the minimum required notification period for an endorsed Temporary Event Notice; wherever possible notice givers are notified at the earliest opportunity before their event.
9	16	N	Supporting comments noted. Officer's note: the comment referring to paragraph 2.3 is in relation to the Premises Licence Operating Schedules and Premises Plans Guidance. This principle is clearly stated in paragraphs 28.7 and 28.8 of the policy.
9	17	In part	Comment is in relation to the Premises Licence Operating Schedules and Premises Plans Guidance. Bullet point added regarding specification of premises glazing. It is felt that the existing bullet points covered the other suggestions made already.
9	18	N	Comment is in relation to the Premises Licence Operating Schedules and Premises Plans Guidance. The guidance is intended to assist applicants to complete an application with all the required details, but not to control what they are applying for.
9	19 - 21	N/A	Comments noted. The Licensing Authority would be in full support of any further guidance produced by Environmental Protection to assist licence applicants to submit licence applications which have fully considered Environmental Health and public nuisance issues.
9	22	Y	Paragraph 5.4 of the policy has been amended to incorporate in the third bullet point '.... and any other appropriate guidance, particularly where it is produced by a responsible authority.'
10	1	SP	Supporting comments noted.
10	2.1	N/A	Legally the planning and licensing regimes are separate and cannot be combined. As far as is possible the licensing authority aim to work in partnership with planning to ensure the two regimes work together and complement each other in their decision making.

10	2.2	N/A	Generally the policy is intended to be an improvement on the current approach and has had full consideration for all issues raised with the licensing authority regarding the licensing regime.
10	2.3	N/A	It is not clear which part of the policy is being referred to in this statement, further clarification from the consultee would be needed in order to comment further.
10	3 - 4	N	The night time economy is considered to be a positive and important contributor to Shropshire's economy. The policy outlines how the less desirable effects of this, including negative alcohol related behaviour and external noise from premises, is expected to be managed by operators, and will be controlled by the Council when necessary.
10	5	N	Comments noted. Officer's note it is felt that the policy supports a mixture of uses in the town centres, including residential.
10	6	N	Comments noted. Officer's note it is felt that the policy supports a mixture of uses in the town centres, including overnight accommodation.

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Licensing Act 2003 Proposed Statement of Licensing Policy 2019 to 2024

Date policy adopted:

Policy adopted by:

Date policy formally published:

Date policy implemented:

Next review period:

Executive Summary

[Executive summary to be included following completion of the consultation exercise.]

AMENDED CONSULTATION VERSION

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PART 1

INTRODUCTION

AMENDED CONSULTATION VERSION

PART 1 – INTRODUCTION

1.0 Background

- 1.1 Under Section 5 of the Licensing Act 2003 ('the Act'), licensing authorities are required to prepare a statement of licensing policy in relation to the exercising of their licensing functions. Shropshire Council ('the Council') is the Licensing Authority for the county of Shropshire (excluding the area that is the responsibility of Telford & Wrekin Council) and is fulfilling its legal duty to prepare a statement of licensing policy ('the Policy') through this document.
References to 'the Council' in this Policy refer to the Council in its capacity as the Licensing Authority, unless otherwise specified.
- 1.2 The Council is required to publish the Policy at least every five years. It will also keep the Policy under review and revise it when appropriate to do so. Any amendments to the Policy must be the subject of further consultation and the Policy, or relevant parts of the Policy, must then be re-published.

2.0 County area

Geographical profile

- 2.1 The geographical area to which this Policy applies is the administrative area of Shropshire Council as outlined in the map produced at **Appendix A**.
- 2.2 Shropshire is a diverse, predominantly rural, inland county, situated on the far western edge of the West Midlands region. Shropshire borders Wales to the West, Telford and Wrekin and Staffordshire to the North East, Worcestershire and Herefordshire to the South and Cheshire to the North.
- 2.3 Based on the Mid 2016 Population Estimates published by the Office for National Statistics, the population of Shropshire is 313,400 and has 0.98 persons per hectare (319,730.32 hectares), compared to a national figure for England of 4.24 persons per hectare (13,027,843 hectares). The County is one of the most sparsely populated local authorities in the country with approximately 540 settlements widely dispersed and only five settlements have a population of over 10,000 (Shrewsbury, Oswestry, Ludlow, Bridgnorth and Market Drayton).
- 2.4 The Sub-National Population Projections (2014) published by the Office for National Statistics show that the population of Shropshire continues to grow and is projected to rise to 335,700 by 2035 (a 7% rise 2016-2035). The number of households is projected to rise to 152,900 by 2035 (a 13% rise 2016-2035). The Shropshire Core Strategy 2011 has planned for 25,700 new homes in Shropshire between 2006 and 2026. Shropshire Council is are

currently undertaking a Partial Review of the Local Plan which will determine the future housing requirement in Shropshire to 2036.

Local area profile

- 2.5 The Council has undertaken an assessment of the local area and produced a local area profile. This is produced at **Appendix B**. The local area profile aims to summarise existing national research regarding alcohol-related harm, as well as providing a local evidence base regarding actual and future emerging risks relevant to the licensing objectives and geographical areas of potential risk.
- 2.6 The profile will continue to be reviewed and updated to reflect changes to the local landscape and environment. Formal consultation will be undertaken where changes to the profile are likely to have a significant impact on stakeholders and the areas of concern and risks associated with the local area; otherwise changes will be highlighted on an ongoing basis on the Council's website. The risks identified in the local area profile are evidence (not perception) based.
- 2.7 The profile takes account of a range of factors, data and information held by the Council and a wide range of partners and has been brought together through proactive engagement with both responsible authorities and other relevant organisations.
- 2.8 The profile aims to increase awareness of local risks and improve information sharing in order to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Council encourages applicants to use the local area profile to help inform them of specific risks that need to be considered prior to submitting any new or variation to all licence applications/notices.
- 2.9 The profile aims to:
 - enable the Council to better serve the Shropshire community by more accurately reflecting the community and the risks within it;
 - provide greater clarity for licensees/applicants as to the relevant factors in the Council's decision making process;
 - improve premises licence applications as licensees/applicants will be able to incorporate necessary controls and measures to mitigate relevant risks in their applications;
 - enable licensing authorities to make robust and fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
 - encourage a proactive approach to risk that is likely to result in an increase in compliance and a reduction in enforcement action.

2.10 The Council has considered the local area profile. Given the current position demonstrated by the profile there are wards within the Shropshire Council administrative area where it may be considered necessary to include specific conditions in relation to applications. Applicants must be particularly mindful of the key findings and recommendations set out within the Local Area Profile and ensure a risk assessment has been undertaken to allow applicants to properly address the risks through the operating schedule in order to sufficiently promote the licensing objectives.

3.0 Consultation and communication

- 3.1 In determining the Policy the Council has consulted as set out in Part 5 of this Policy.
- 3.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to proactive engagement, ongoing communication and consultation with all stakeholders. The Council wants to facilitate an open and constructive partnership with all stakeholders in order to improve compliance and reduce regulatory costs.
- 3.3 In particular, the Council welcomes the opportunity to communicate and consult with relevant stakeholders to enable and encourage the exchange of views and information in relation to the Policy, to mitigate risks to the licensing objectives, to ensure conditions are relevant, proportionate and necessary, to ensure changes in the law are widely communicated and understood and the need for licence reviews are reduced to a minimum. The specific methods to achieve this communication and consultation will be determined as required.

4.0 Licensing Act 2003

- 4.1 The Act regulates licensable activities¹ through premises licences, club premises certificates, temporary event notices and personal licences. The licensable activities are:
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 4.2 It contains four licensing objectives which must be addressed when licensing functions are undertaken. These objectives are central to the Act and are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

¹ Licensable activities are further explained at Paragraph 26.0

- 4.3 The Council will proactively promote these licensing objectives through the adoption, implementation and enforcement of this Policy.

5.0 Scope

- 5.1 This Policy supersedes all previous statements of licensing policies. Any application determined on or after the date that this Policy takes effect will be administered under the requirements set out in this Policy irrespective of the date the application was submitted to or received by the Council.
- 5.2 The Policy forms the Council's mandate for managing local licensable activities and sets out how the Council's position on local risks, and therefore its expectations, in relation to applicants/licence holders in the administrative area of Shropshire Council.
- 5.3 The Policy does not override the right of any person to make an application and to have that application considered on its own merits. In addition, it does not undermine the right of any person to make representations on an application or to seek a review of a licence where a legal provision is made for them to do so.
- 5.4 The Policy does NOT attempt to explain all the requirements of the Act for each type of licence/notice and the associated licensable activities. The requirements of the Act are detailed and complex; consequently, to ensure the provisions are fully understood, potential applicants and existing licence/notice holders are strongly encouraged, with respect to the type of premises and activity being considered to:
- make themselves familiar with the relevant provisions of the Act, regulations and orders;
 - make themselves familiar with any other relevant legislation, for example the Anti-Social Behaviour, Crime and Policing Act 2014;
 - consult the Guidance issued under Section 182 of the Licensing Act 2003 ('Section 182 Guidance') issued by the Home Office and any other appropriate guidance, particularly where it is produced by a responsible authority ~~consult the Guidance issued under Section 182 of the Licensing Act 2003 ('Section 182 Guidance') issued by the Home Office~~;
 - seek advice from appropriate legal experts; and
 - discuss specific requirements with the Council's licensing team.
- 5.5 The Policy is not a stand-alone document and must be read in conjunction with relevant legislation and guidance. Whilst the Policy sets out the Council's position with respect to the Act, the legal interpretation and application of the Act is ultimately a matter for the Courts.

6.0 Purpose

- 6.1 The Council's aim is to establish responsibly managed and safe licensed premises. The Policy acts as the primary vehicle for setting out the Council's approach to licensing regulation under the Act. It aims to support the Council's high level outcomes by creating an environment through the promotion of the licensing objectives that encourages people to be healthy, communities to be resilient and to develop a prosperous economy.
- 6.2 The Council is committed to supporting a vibrant, balanced and safe licensed trade and evening and night time economy. It is unfortunate that this type of activity can have undesirable and unintended side effects, which can undermine the four licensing objectives and lead to negative public health outcomes.
- 6.3 The Council is seeking to curtail the negative elements of the licensed economy through supporting licence holders, prospective licence holders, personal licence holders and those with temporary authorisations to eliminate, through rigorous and enforceable licences, the potential negative outcomes. It is also crucial through the licensing regime to support the elements of this economy which make Shropshire's towns and communities exciting and attractive places to live, learn, work and visit.
- 6.4 The Policy is inextricably linked to a number of strategic objectives **set out below** that underpin the Council's high level outcomes. These will not only be delivered through the licensing regime. It will require partnership working with other Council services and/or agencies and organisations e.g. with applicants, licence/notice holders, responsible authorities, other local businesses and communities.
- 6.5 There is a recognition that the Evening and Night Time Economy² is growing across a number of Shropshire market towns and that this Policy has a key role in shaping and managing this growth. It is recognised that such growth can lead to the licensing objectives being undermined; however, it is important to simultaneously understand the positive contribution that well managed licenced premises bring in support of local businesses and the growth and prosperity of Shropshire's economy.
- 6.6 The Policy provides guidance to any person with an interest in licensing under the Act; in particular, but not restricted to:
 - persons who wish to apply for premises licences, club premises certificates, temporary event notices and personal licences;
 - persons who hold existing licences and notices, including those that are the subject of review;
 - the Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees;
 - licensing consultants, solicitors and barristers advising and/or representing applicants and licence/notice holders;

² For the purposes of this Policy, The Evening and Night Time Economy is the provision of retail facilities, entertainment, food and drink in a social setting.

- the responsible authorities under the Licensing Act 2003, and
- magistrates and judges hearing appeals against Council decisions.

7.0 Review of the Policy

- 7.1 The Policy will be prepared and published every five years. However, it will be the subject of continuous evaluation and reviewed, revised and published before any revision is given effect. At the time of review all relevant stakeholders will again be consulted. Any person may request a review of the Policy at any time.

8.0 Regulatory, policy framework and integrated strategies

- 8.1 The operation of the Council's licensing service, as it relates to the licensing of licensable activities, is undertaken primarily in accordance with:
- the Licensing Act 2003, as amended;
 - regulations and orders made under the Act;
 - guidance issued by the Home Office; and
 - the principles of better regulation, particularly as set out in the Regulators' Code (BRDO 14/705 April 2014)³.
- 8.2 In addition, the service is provided in accordance with all relevant Council policies, duties and responsibilities; in particular, those relating to:
- Protection of children, young persons and adults with care and support needs
 - Better regulation and enforcement
 - Data protection including access to information
 - Public sector equality duty
 - Human rights⁴
- 8.3 So far as is reasonably practicable the Council will avoid duplication with other regulatory regimes. In particular, this Policy and associated conditions do not address health and safety at work, fire safety or planning requirements. Applicants, licence/notice holders are required to ensure all relevant provisions are satisfied in these respects.
- 8.4 [Integrated strategies to be inserted following conclusion of the consultation]

³ Regulators' Code (previously the Regulators' Compliance Code), Department of Business, Innovation and Skills, 2014, issued under section 23 of the Legislative and Regulatory Reform Act 2006.

⁴ Human Rights Act 1998, in particular, Article 1, Protocol 1 – peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 6 – right to a fair hearing; Article 8 – respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 – right to freedom of expression.

PART 2

LICENSING PRINCIPLES, PROCESS AND DELEGATION

PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

9.0 Introduction

- 9.1 This part of the Policy focusses on the functions that the Council undertakes and the principles the Council will follow when administering applications and, where relevant, setting fees. The Council expects compliance with these principles to assist applicants and licence/notice holders to meet the statutory licensing objectives when undertaking licensable activities that are regulated by the Council.
- 9.2 This part also explains the roles and duties of the Strategic Licensing Committee, the Licensing Act Sub-Committee and officers of the Council.
- 9.3 The Council seeks to ensure that licensable activities are suitable and are conducted in such a manner that promotes the licensing objectives and minimises the risks that undermine the objectives. The specific regulatory functions of the Council are:
 - licensing premises where licensable activities take place by issuing premises licences, club premises certificates and provisional statements
 - receiving and issuing personal licences
 - receiving and endorsing temporary event notices
 - administering licence reviews
 - maintaining registers of the licences and notices issued
 - collecting licence/notice fees
 - inspection, compliance and enforcement locally in relation to licences/notices
 - providing information for any statutory return requirements
- 9.4 With respect to premises licences/notices, the Council also has the regulatory responsibility for dealing with full and minor variations, interim authority notices, provisional statements, change of name and address, transfers, reinstatements and producing copies of lost, stolen, damaged or destroyed licences and dealing with surrendered licences in accordance with specific regulatory provisions that relate to each licence or notice type.
- 9.5 The Council recognises that promoting the welfare of children, young people and adults with care and support needs and protecting them from harm and exploitation is everyone's responsibility. In so far as it relates to applicants, licensees, employees in licensed premises, responsible authorities, elected members, other local businesses and communities, everyone who has dealings with children, young people and adults with care and support needs have a duty to report matters of concern to the relevant authorities. In addition, the wider safeguarding context (see **Appendix C** for further information) must be considered when prospective and existing applicants submit applications, during the assessment and determination process and the ongoing use of the licence/notice.
- 9.6 In order to support the outcomes and objectives above Licensing will:

- promote the four licensing objectives;
 - ensure that the premises are appropriate for their proposed use;
 - ensure the premises layout and condition is acceptable for the proposed use;
 - ensure that the premises are being managed responsibly,
 - the protection of young people and adults with care and support needs from harm and exploitation
- 9.7 For the purposes of this Policy, any reference to 'licence' will include premises licence, club premises certificate and personal licence unless otherwise specified.

10. Overarching licensing principles

- 10.1 The Council aims to provide a clear, consistent and responsive service to prospective and current licence/notice holders, members of the public and other relevant stakeholders.
- 10.2 The Council will seek to build and maintain good liaison and working relationships with the Responsible Authorities, including sharing relevant information and, where appropriate, investigating offences.
- 10.3 The Council aims to ensure that all relevant Responsible Authorities give full consideration to applications and that the most appropriate Responsible Authority provides advice to the applicant and, where necessary, take the opportunity to submit formal representations to the Council. The Licensing Team will provide guidance and assist Responsible Authorities to submit representations.
- 10.4 Shropshire Council, as the Licensing Authority, is also a Responsible Authority. The Licensing Team, acting as a Responsible Authority will, when necessary, make representations to applications to ensure that all four licensing objectives are being properly promoted.
- 10.5 Licensing is not bound by decisions made by Planning and vice versa. There is no legal basis for Licensing to refuse a licence application because it does not have planning permission. While the two services consider different (albeit related) matters, Licensing must only address the licensing objectives to ensure that the licensing process does not lead to a re-run of any planning hearing. To avoid duplication and inefficiency, planning permission, building control approval and licensing regimes will be properly separated. In practice, this means that Licensing will ensure that they enter into discussion with planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. This will include sharing the positive and adverse impacts relating to the licensing objectives and enabling each respective regime to determine applications separately.
- 10.6 The Council, in terms of both the licensing and planning regimes, will consider carefully any conflict that may exist between licence applications and planning/building regulation restrictions and will work with applicants and

licence holders to resolve such conflicts. In addition, with respect to applications that may impact on the evening and night time economy, the Council will have regard to the guidance set out in **Appendix D**. It is ultimately the responsibility of the applicant/licence holder to ensure that operations at a premises are compliant with both planning permissions and licensing authorisations. **Licensing and planning are separate regimes and ultimately decisions on permissions or authorisations under each regime are made independently.**

- 10.7 The Council will be mindful of the needs of the applicant but this will be balanced against the clear duty that the Council has to ensure that the licensing objectives are promoted and the Council's desire to ensure the overall purpose of this Policy is delivered.
- 10.8 In all cases, licence/notice applications will be considered and determined on their own individual merits.
- 10.9 The Council will make general advice, relating to its functions under the Act, available through its website. In addition, on request, the Council will provide specific advice about compliance to prospective and actual licence/notice holders and will advise the public on what activities they may undertake without the need for specific licences/notices.
- 10.10 The Council will employ or otherwise source staff with the necessary skills and knowledge and will delegate to them the necessary powers they need to carry out licensing, compliance and enforcement functions.

11. Delegation of Council licensing functions

- 11.1 Licensing carried out under the Act is a Council function that is delegated to the Strategic Licensing Committee. The Strategic Licensing Committee has delegated this function to the Licensing Act Sub-Committee and to officers of the Council who will determine all applications in accordance with this Policy.
- 11.2 The specific delegations are set out in the Council's Constitution, which is available at <https://shropshire.gov.uk/committee-services/ecCatDisplay.aspx?sch=doc&cat=13331&path=0%20>. The relevant extract from the Constitution is produced at **Appendix E** of this Policy.
- 11.3 Officers and the Licensing Act Sub-Committee may elect not to exercise their delegated decision making authority in respect of any particular licence/notice application. This is likely to be the case where delegation may give rise to a risk of judicial review challenge, particularly on the basis of appearance of bias.
- 11.4 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances where the Council believes it is right to depart from the Policy. This may also be the case in relation to the Section 182 Guidance. In either case, the Council will take account of the implications of any departure from the Policy and/or the

Guidance and shall ensure there are strong reasons for such departure. In all cases, these reasons will be clearly expressed, explained and documented.

12.0 Committees

Strategic Licensing Committee

- 12.1 This Committee is made up of 15 members of the Council. It deals with policy issues, including the setting of licence fees where this is permitted by the legislation.

Licensing Act Sub-Committee

- 12.2 This Committee is made up of a selection of three Members from the Strategic Licensing Committee.
- 12.3 Members on the Sub-Committee, when determining applications, will have regard to relevant licensing legislation, in particular the Licensing Act 2003 and associated regulations and orders, this Policy, the Section 182 Guidance, the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law, other relevant Council policies and any other relevant guidance that may from time to time be made available by other appropriate organisations or stakeholders.

13.0 Decisions

- 13.1 The Council will ensure that licensing and regulatory decisions are properly reasoned and evidence-based and taken at the appropriate level. The Council will adopt a presumption in favour of decisions being made at the lowest appropriate level within the Council so that decisions of similar complexity and impact are generally made at similar levels within the Council.
- 13.2 The decisions that the Council can take, either by way of a Licensing Act Sub-Committee hearing, including where the hearing is for the purposes of a premises licence review, or by an officer under delegated authority, are dependent on the type of licence or notice being considered and the specific circumstances associated with the licence/notice.
- 13.3 However, broadly, the Council has the power to:
- grant or reject/refuse new and renewal applications
 - grant or reject/refuse applications for variations and transfers
 - revoke or cancel existing licences/notices under certain circumstances, including for the non-payment of fees
 - suspend a premises licence
 - add, remove, amend and exclude licence/notice conditions
 - review premises licences

- 13.4 In addition, the Council may choose to issue written warnings and prosecute (including offering a simple caution) in respect of specified criminal offences. Further details, in this regard, are provided in Part 4 of this Policy.
- 13.5 As part of any decision to grant, reject/refuse, revoke, cancel or suspend a licence/notice, the officer and/or Licensing Act Sub-Committee will take into consideration the facts of the application, any information and evidence provided by the responsible authorities, any information and evidence from other persons, together with the options set out in the licensing officer's report. The licensing officer will not normally make a specific recommendation, but may do so in exceptional circumstances.
- 13.6 In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details that have given rise to the need for an officer decision and/or hearing.
- 13.7 Following the determination of an application by the Council (or any other regulatory enforcement decision), the applicant or licensee and any other relevant party will receive a copy of the decision in writing. The reasons for the decision will be clearly set out and will reflect the extent to which the decision has been made with regard to the Council's Policy and the Section 182 Guidance. It will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal, where this is relevant.

14.0 Appeals

- 14.1 Parties aggrieved by a decision of the Council have a right of appeal to the Magistrates' Court. Appeals must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice if they wish to consider pursuing an appeal.
- 14.2 Closure orders – see 13.12 of the Section 182 Guidance
- 14.3 Any party to a decision may apply for judicial review (although the Court may decline an application) and ask the Court to grant a particular type of order if they believe that the decision taken by the Council is:
 - illegal, i.e. beyond the powers available to the Council;
 - subject to procedural impropriety or unfairness with a failure in the process of reaching the decision; or
 - irrational such that no sensible person could have reached that decision.

15.0 Responsible authorities

- 15.1 Responsible authorities, as listed in Section 13 of the Act, have the responsibility to review licence applications and notices (in certain circumstances) and the right to make representations in relation to those

applications/notices or any licence review. They may also apply to the Council for a review of an existing licence.

15.2 The responsible authorities are:

- The Council in its capacity as the licensing authority and any other Council whose area part of the premises is situated
- The planning authority
- The authority which has functions in respect of minimising or preventing the risk of pollution of the environment or of harm to human health
- Chief Officer of Police for West Mercia Police
- Shropshire and Wrekin Fire & Rescue Authority
- Director of Public Health for Shropshire Council
- The enforcing authority (primarily either Environmental Health or the Health and Safety Executive)⁵ for Health and Safety at Work
- Shropshire Safeguarding Children BoardShropshire Council Children's Services
- UK Boarder Agency (The Home Office)
- In relation to a vessel (including pleasure boats), the navigation authorities, as defined in the Water Resources Act 1991, that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when it is used for licensable activities, namely:
 - Environment Agency in England and Wales
 - Canal and Rivers Trust
 - Maritime and Coastguard Agency (Secretary of State for Transport)

15.3 The contact details for each of the responsible authorities are available on the Council's website at <http://shropshire.gov.uk/licensing/licensing-types/gambling-act/responsible-authorities/> [relevant website link to be inserted]

16.0 Body competent to advise about the protection of children from harm

16.1 The body (the 'responsible authority') that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the Council (in its capacity as the licensing authority) as being competent to advise on such matters is Shropshire Council's Children's Services. It is recognised that such a body must not only be competent to advise on such matters, it must also have adequate resources available to take on the practical role required of the responsible authority for the purposes of the protection of children from harm, i.e. reviewing licence applications, submitting representations and applying for licence reviews, where necessary.

⁵ Section 18 Health and Safety at Work Act etc.1974

The principles that the Council will apply in exercising its powers to designate, in writing, a body competent to advise the Council about the protection of children from harm are set out below.

- 16.2 In addition to recognising Shropshire Council's Children's Services as the responsible authority for the protection of children from harm, the Council also recognises the need to utilise the expertise of the Shropshire Safeguarding Children Board, in its capacity to provide oversight of all services that are responsible for, or interested in, matters that relate to the protection of children from harm. In this role, the Board is the body that the Council, in its capacity as the licensing authority, and other services or responsible authorities, will report matters of concern relating to the protection of children from harm where they are not being adequately addressed by any or all of the responsible authorities or the licensing regime as a whole.

The body needs to:

be responsible for the whole geographical administrative area of the Council;
be independent and have an independent chair that can hold all agencies including the council to account, individually and collectively;
comprise of a wide range of agencies, including lay members who represent the local community, that contribute to safeguarding and promoting the welfare of children;
have statutory responsibilities for coordinating and monitoring the effectiveness of services that work together to safeguard and promote the welfare of children; and
be reportable to democratically elected persons rather than any particular vested interest groups

- 16.3 Having taken into consideration the principles set out above, ~~T~~he Council has designated the Shropshire Safeguarding Children Board as the body competent to advise about the protection of children from harm and by doing so this Board is also a designated a responsible authority under the provisions of the Licensing Act 2003.

17.0 Body competent to advise about the protection of young persons and adults with care and support needs from harm

- 17.1 The Council recognises that the Act does not legally require the designation of a body which represents those who are responsible for or interested in the protection of young persons and adults with care and support needs. However, for this purpose, the Council has deemed the Keeping Adults Safe in Shropshire Board (KASiSB) to be the competent body.

18.0 Any other person

- 18.1 An 'other person' is not legally defined in the Act. ~~T~~he Council accepts that any individual, body or business, including a member of the relevant licensing authority, is an 'other person'.

- 18.2 The Council is of the view that in order for an ‘other person’ to make a relevant representation they would ordinarily be a person who:
- (a) lives, works or otherwise occupies space sufficiently close to the premises to be likely to be affected by the licensable activities, and/or;
 - (b) has relevant concerns or evidence of issues which are undermining one or more of the licensing objectives;
 - (c) represents persons who satisfy (a) or (b)
- 18.3 It is a matter for the Council to decide whether a representation is relevant with regard to a particular application and this will be decided on a case by case basis.
- 18.4 When determining whether a person ‘lives, works or otherwise occupies space sufficiently close to the premises’, the Council will consider the following non-exhaustive list of relevant factors:
- size of the premises
 - nature of the premises
 - distance of the premises from the location of the person making the representation
 - potential impact of the premises, e.g. number of customers, routes likely to be taken by those visiting the establishment
 - circumstances of the person who lives close to the premises; this is not their personal characteristics, but their interests which may be relevant to the distance from the premises
 - living sufficiently close to the premises may be different for different parties, e.g. a private resident, a residential school for children with truanting problems, a residential hostel for vulnerable adults
- 18.5 A representation, by an existing licenced business, stating that it is going to be affected by another licenced business starting up in the area will not be considered a relevant representation, unless it is supported by other specific evidence that the licensing objectives are being undermined.⁵
- 18.6 If any individual wishes to approach a Shropshire Council Councillor to act as their representative, care must be taken to ensure that the Councillor in question is not a member of the Strategic Licensing Committee and in particular absolutely must not be a member of the Licensing Act Sub-Committee dealing with the licence/notice application or licence review. If there is any doubt, the individual is advised to contact the Council’s Licensing Team for clarification.

19.0 Making representations

- 19.1 Representations or objections⁶ to the following types of Licensing Act 2003 applications can be made by any of the Responsible Authorities or any other person:

- New premises licence
 - New club premises certificate
 - Full variation of a premises licence or club premises certificate
 - Minor variation of a premises licence or club premises certificate
 - Review of a premises licence or club premises certificate
 - Provisional statement
- 19.2 Representations or objections to the following types of Licensing Act 2003 applications can be made by the Police and the applicant/licence holder:
- Transfer of a premises licence
 - Variation of a licence to specify an individual as a designated premises supervisor
 - Application for a personal licence (where the applicant has been convicted of a relevant offence)
 - Hearings regarding personal licences (where the licence holder has been a convicted of a relevant offence)
- 19.3 Representations or objections to Temporary Event Notices may be made by the Police or Shropshire Council's Environmental Protection Team with responsibility for Environmental Health.
- 19.4 The Council provides a form for making representations which can be obtained from the Council's website at www.shropshire.gov.uk/licensing. Representations must be 'relevant'⁶; this means that they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 19.5 A representation must not be 'frivolous' or 'vexatious'. A representation would be considered vexatious if it appeared to the Council that it was intended to cause aggravation or annoyance to another person without reasonable cause or justification, e.g. if a representation was made as a result of a dispute between rival businesses. Frivolous representations would be considered to be those which that displayed a lack of seriousness, or where no remedial steps would be considered necessary or proportionate in order to address the issues raised.
- 19.6 It is for the Council to determine if a representation is considered frivolous or vexatious.
- 19.7 Representations must be made in writing, either using the form provided on the Council's website, or following a similar format. Representations must be received either in the post or by email to the Licensing Team.
- 19.8 Representations can only be made during the relevant consultation period for the particular application/notice (see Part 3). The end date for

⁶ Representations may be made in support of an application. They will be noted by the Council and recorded against the application. If a hearing is necessary due to objecting representations, supporting representations will be included in the information provided to the Committee, and those making supporting representations will be invited to attend the hearing.

application/notice consultation periods will be displayed on the site notice attached to the premises (where required), on the Council's website (where required) and in the newspaper advert (where required). Representations received after the end of the consultation period will not be considered, the person or Responsible Authority submitting an out of time representation will be informed of this.

20.0 Exchange of information

- 20.1 The Council will share information about licensable activities with responsible authorities and other relevant stakeholders in order to enable:
 - the development of an overarching view of all licensable activity ~~across Great Britain~~;
 - the identification of risks;
 - information and intelligence to be fed back to the Council (and to other licensing authorities) to support it to carry out its regulatory responsibilities;
 - the avoidance of duplication or over-regulation and to maximise the efficient use of resources.
- 20.2 The Council recognises that shared regulation depends on effective partnerships and collaboration and that the exchange of information is an important aspect of this and benefits all parties.
- 20.3 Where the Council is required or wishes to exchange information with other persons/bodies, the information will be relevant and it will be appropriate, necessary and proportional to do so for the purposes of carrying out its functions under the Act and to also enable those other persons/bodies to carry out their functions under the Act.
- 20.4 The exchange of information will be undertaken in accordance with the Data Protection Act 2018 and subsequent guidance published by the Information Commissioner's Office (ICO), or such other guidance that may from time to time be made available.
- 20.5 The Council has not established any information exchange protocols specifically for the purposes of the Licensing Act and does not currently intend to do so. However, where there are existing information exchange protocols established in relation to other matters, the Council will have due regard to any relevant principles set out in such protocols and apply them as if they were established for the purposes of information exchange with other persons/bodies under the Act. If at any time during the lifetime of this Policy it becomes necessary to establish specific information exchange protocols under the Licensing Act, the Council will take appropriate steps to do so.

21.0 Freedom of information

- 21.1 As a public body, the Council is subject to the provisions of the Freedom of Information Act 2000 (FOIA). Information disclosed in relation to freedom of

information requests will be disclosed in accordance with the legislation and the ‘Guide to freedom of information’ issued by the ICO or such other guidance that may from time to time be made available. The Guide is available on the ICO website.

- 21.2 The information submitted to the Council in pursuance of applications will be kept confidential unless it is necessary to share it for the purposes of the Council exercising its functions under the Act. The Council will undertake to keep personal names and addresses confidential, unless it is necessary to share it for the purposes of the Council’s statutory functions; however, the Council cannot give an assurance that this confidentiality can be maintained in all circumstances because under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence.
- 21.3 Persons who wish to access information about themselves that the Council may hold should submit a FOIA request.

Confidentiality of those making representations

- 21.4 Representations, including personal information, will be subject to publication in accordance with the necessary regulatory processes associated with the processing of applications and reviews. In addition, representations, including personal information, may be subject to release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).
- 21.5 If persons making representations want information, including personal data that they have provided to be treated as confidential, they must be aware that, under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence. The Act also stipulates that the names and addresses of those making representations will be published unless there are circumstances, of which the Council is made aware, that would present a serious risk to the individual making the representation if their details were published.
- 21.6 In view of this, where persons want information and personal data to be treated as confidential, the Council expects persons making representations to explain why they regard the information and/or personal data they have provided as confidential. The Council will take full account of the explanation provided but cannot give an assurance that the requested confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by an IT system will not, of itself, be regarded as binding on the Council.

22.0 Working in partnership

- 22.1 The Council aims to work in partnership when dealing with matters relating to the licensing establishments and activities, including the adoption of a partnership approach to address problems that may arise. Such partnerships will include (but are not restricted to) the Responsible Authorities, Community Safety Partnership, relevant licensing trade associations, other local authorities, West Mercia Police and consumer groups.
- 22.2 The Council will work cooperatively with local businesses to reduce the risk to the licensing objectives to acceptable levels. However, it must be recognised that the Council, as the primary local regulator, will ensure that all relevant provisions relating to the effective administration of the licensing functions are robustly enforced to take account of the licensing objectives and the fundamental purpose of this Policy.

23.0 Cumulative Impact, Early Morning Restriction Orders and Late Night Levy

- 23.1 Currently no cumulative impact assessments have been undertaken and there are no plans to do so. Similarly, the Council has no plans to introduce any Early Morning Restriction Orders or Late Night Levies. However, should the Council choose to undertake such an assessment, or introduce such orders or levies, during the lifetime of this Policy, full consultation will be undertaken and the details will be published on the Council's website.

24.0 Sale of alcohol at community events and ancillary business sale of alcohol

- 24.1 The Council acknowledges that Part 5A of the Act relating to the sale of alcohol at community events and ancillary business sale of alcohol has not yet been enacted. The Council will have consideration for the provisions of this part of the Act if, and when, it is enacted, and amend the Policy accordingly.

25.0 Fees

Fee setting

- 25.1 The administration of licences and compliance, enforcement and the costs of dealing with unlicensed licensable activities under the Act is covered by licence fees.
- 25.2 The majority of fees are set nationally and the Council has no control over these.
- 25.3 The Council is permitted to set a fee for producing a copy of an entry in the licencing public register and for this purpose the Council determines the fee. The Council ensures that the income from this fee, as nearly as possible,

equates to the costs of providing the copy. The Strategic Licensing Committee reviews and sets the fee annually under delegated authority from the Council.

Annual Fees

- 25.4 Premises licenses are subject to an annual fee which is due each year on the anniversary of the date of original grant of the premises licence. Annual fees are determined by the non domestic rateable value of the premises.
- 25.5 To assist premises licence holders to remember when their annual fee is due, reminder letters will be issued at the beginning of the month prior to the fee being due. It is not a legal requirement for the Council to issue this reminder and the responsibility for ensuring payment of annual fees is made on time lies entirely with the premises licence holder.
- 25.6 If payment of the annual fee is not made on time, a further reminder letter will be issued at the beginning of the month after the fee was due. This will give the premises licence holder 14 days to make payment from the date the letter was issued and warn them that if payment is not made, their premises licence will be suspended.
- 25.7 Where, following the second reminder letter, payment has still not been received the premises licence holder will be issued with a final letter giving them seven days to make payment from the date of the letter. If at the end of this seven days the fee has not been paid, the licence will be suspended and will cease to have effect until the fee has been paid in full. The police and the fire service will be notified of the suspension of the licence.
- 25.8 Premises with suspended licences will be monitored by the Council. Any premises found to be carrying on licensable activities with a suspended licence will be subject to enforcement action in accordance with the Council's Better Regulation and Enforcement Policy.
- 25.9 Premises licences will remain suspended until full payment of the annual fee is received and, in the case of payment by cheque or BACS, the payment has cleared. Once payment is received the licence holder, police and fire service will be informed the licence is no longer suspended.
- 25.10 Where annual fees are paid by BACS the licence holder must also inform the Licensing Team directly of the payment. Failure to do so may result in further reminder or suspension letters being sent to the premises licence holder.
- 25.11 Annual fees paid by cheque will not be considered paid until such time as the cheque has cleared.
- 25.12 Payment of the annual fee is the responsibility of the current premises licence holder. Any unpaid annual fees that may have accrued will be the responsibility of the current licence holder and not any previous licence holder(s).

25.13 Invoices will not be issued for annual fee payments.

Refunds

- 25.14 All fees for applications/notices are payable at the time the application/notice is submitted. Where an application/notice is withdrawn or not granted the fee will not be refunded except ~~for~~ in exceptional circumstances at the discretion of the Council.
- 25.15 Annual fees are non-refundable. Outgoing premises licence holders will not be eligible for a refund of any part of an annual fee paid by them. Similarly, if a premises licence is surrendered or lapses, no part of the annual fee will be refundable.

PART 3

ACTIVITIES SUBJECT TO AUTHORISATIONS

PART 3 – ACTIVITIES SUBJECT TO AUTHORISATIONS

26.0 Licensable Activities

Sale by retail of alcohol

- 26.1 The retail sale of alcohol is the sale of alcoholic products to the general public from a retail setting such as a supermarket, restaurant, pub or off-l licence. This does not include the sale of alcohol from wholesalers.
- 26.2 Alcohol means products where the alcohol content at the time of sale exceeds 0.5%. There are some very specific exemptions where certain products are not classed as alcohol for the purposes of sale by retail of alcohol, such as liqueur confectioneary.

Provision of Regulated Entertainment

26.3 Regulated entertainment is:

- a performance of a play which takes place in front of an audience of more than 500 people and/or between the hours of 23:00 and 08:00
- an exhibition of a film
- an indoor sporting event which takes place in front of an audience of more than 1000 people and/or between the hours of 23:00 and 08:00
- a boxing or wrestling entertainment (not including Greco-Roman wrestling or freestyle wrestling between two participants) which takes place in front of an audience of more than 1000 people and/or between the hours of 23:00 and 08:00 and/or where both the activity and the spectators are not wholly accommodated within a building
- performance of live music (or entertainment of a similar description) in front of an audience of more than 500 and/or between the hours of 23:00 and 08:00
- any playing of recorded music (or entertainment of a similar description) in front of an audience of more than 500 people and/or between the hours of 23:00 and 08:00
- a performance of dance (or entertainment of a similar description) in front of an audience of more than 500 and/or between the hours of 23:00 and 08:00⁷.

26.4 There are a number of circumstances in which a premises licence, or other authorisation under the Act, for regulated entertainment is not required. The Act and Section 182 Guidance issued under the Act provide further detail on this⁸.

Provision of Late Night Refreshment

26.5 Late night refreshment is the sale of hot food or drink between the hours of 23:00 and 05:00.

26.6 'Hot' means food or drink supplied above the ambient air temperature at the time of supply, intended for consumption either on or off the premises. This includes supply of hot food or drink from premises like restaurants or pubs and takeaways.

⁷ If the performance of dance falls within the definition of 'relevant entertainment' under Section 2A of the Local Government (Miscellaneous Provisions) Act 1982 a Sexual Entertainment Venue Licence under that legislation will be required, rather than a premises licence

⁸ Licensing Act 2003 Schedule 1, Part 2 and Revised Guidance issued under section 182 of the Licensing Act 2003

- 26.7 There are certain circumstances in which the licensing authority can designate specific areas or types of premises to be exempt from the requirement to hold a licence to provide late night refreshment. The licensing authority can choose to apply these designations in specific circumstances where they think it will be helpful to business and there are no likely problems with anti-social behaviour, disorder associated with the night time economy or illegal working in licensed premises. The Council has chosen not to designate any specific area or premises type to be exempt from the requirement to hold a late night refreshment licence. The Council has no plans to introduce any such designations, should it choose to do so during the life of this Policy it will publish any such intentions⁹.
- 26.8 There are a number of circumstances in which a premises licence, or other authorisation under the Act, for licensable activities is not required. The Act and Section 182 Guidance issued under the Act provide further detail on this¹⁰.

27.0 Overarching principles relating to licence applications

- 27.1 The Council will aim to visit all premises prior to granting new applications. The Council expects applicants to work with it in an open and cooperative way and to disclose anything which the Council would reasonably expect to know.
- 27.2 The matters to be considered by the Council in relation to each of the licensing objectives are not legally defined. However, the Council is particularly concerned to ensure that all applicants fully address the following matters:
- how they and/or their staff have sufficient expertise in the business roles relevant to the licence application which demonstrates an ability to understand and promote the licensing objectives;
 - clear evidence that there is appropriate training for all staff with regard to their responsibilities under the Act and the adoption of industry wide good practice, which is supported by adequate management and supervision practices;
 - detailed descriptions of the nature of all activities/business, including non-licensable activities, and how the business will operate, e.g. business plan including number of people attending the premises, customer profile (including age of patrons and the potential for underage drinking) and hours of operation and hours of opening;
 - clear evidence specifying the staffing structure, including details of key personnel and the Designated Premises Supervisor (DPS) and sufficient information to confirm that the DPS is actively the person in charge of the business and is sufficiently experienced for this role;

⁹ Licensing Act 2003, Schedule 2 and Licensing Act 2003 (Late Night Refreshment) Regulations 2015 (SI 2015/1781)

¹⁰ Licensing Act 2003 Part 9, section 173, 174 and 175 and Revised Guidance issued under section 182 of the Licensing Act 2003

- information that demonstrates that the physical characteristics (condition, design and layout) of the premises are suitable for the general operation of the premises and compatible with the licensable activities, e.g. detailed floor plans, photographs and technical specifications relating to fixtures and fittings;
 - evidence of the location of the premises and the nature of the surrounding area, including what is around the premises and the wider impact that the licensable and non-licensable activities may have, e.g. physical environment, crime and disorder hotspots, proximity to residential premises, proximity to areas where children may congregate, potential for the misuse of drugs and abuse of alcohol including drunkenness and the potential for anti-social behaviour (this is not about proving demand for or lack of a particular type of premises or activity in an area, rather demonstrating that licensable activity at the premises will not undermine any of the licensing objectives);
 - sufficient information to demonstrate that the impact on the wider location has been properly considered to take account of the movement of people into and out of the area, including the potential impact on the transport network and provisions made to take account of this;
 - evidence of steps that will be taken that will have a positive impact on health and wellbeing for groups such as local residents, those who will participate in the licensable activities and on the environment, e.g. litter and refuse collection times and clean-up costs;
 - identify all relevant local initiatives that may assist in promoting the four licensing objectives and mitigate potential risks, e.g. taxi marshals, purple flag, pub watches, street pastors and local crime reduction initiatives;
 - a clearly set out operating schedule that provides positive proposals that adequately addresses the anticipated impacts and risk posed to the local area and identifies the necessary conditions enabling appropriate control of the licensable activities, **demonstrating that all of the licensing objectives are being promoted**;
 - how their business priorities will enhance the wider community interest.
- 27.3 Once applicants understand the risks associated with their premises (having given full consideration to the above points) further guidance to assist with the development of an effective operating schedule is set out in the Council's 'Premises Licences – Operating Schedule and Plans Guidance' available on the Council's website.
- 27.4 Applicants who follow the above guidance are less likely to attract representations from Responsible Authorities.

28.0 Application for a New Premises Licences

Description

- 28.1 A premises licence authorises the use of any premises (which is defined in the Act as a vehicle, vessel or moveable structure or any place or part of any premises) for licensable activities.
- Vehicle means a vehicle intended or adapted for use on roads
 - A vessel includes a ship, boat, raft or other apparatus constructed or adapted for floating on water
 - A moveable structure is any structure capable of being moved
 - Any place includes areas such as parks, playing fields or streets
 - A premises is a building or other permanent structure
- 28.2 A premises licence is required if any of the licensable activities are carried out on or from one of the above types of premises. The licensable activities are:
- Sale by retail of alcohol
 - Provision of regulated entertainment
 - Provision of late night refreshment

Duration of Licence

- 28.3 A premises licence has effect until:
- the licence is revoked as a result of a licence review
 - it is suspended as the result of a licence review
 - the licence is surrendered by the licence holder
 - the licence holder dies
 - the licence holder lacks mental capacity
 - the licence holder becomes insolvent
 - the licence holder is a company which is dissolved
 - the licence holder ceases to have the right to work in the UK
 - the end of any specified limited period for which it was granted

- 28.4 The Council will suspend a premises licence where the relevant annual fee has not been paid (see paragraph 25.4). A premises licence does not have effect whilst it is suspended.

Application process

- 28.5 A premises licence may be applied for by any person¹¹ (person includes individual, sole trader, partnership and company) who uses, or intends to use, a premises for any licensable activity.
- 28.6 Where the applicant is an individual, or individuals, they must:

- be aged 18 or over

¹¹ A wide range of individuals and bodies set out in Section 16 of the Act may apply for premises licences

- be entitled to work in the UK (see **Appendix F** for list of documents which may be provided to demonstrate entitlement to work in the UK), if they are applying for the sale/supply of alcohol and/or the provision of late night refreshment
- 28.7 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and be accompanied by a plan of the premises to which the application relates in the prescribed form, and the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 28.8 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the licence is payable at the time the application is submitted. In the event that an application for a licence is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 28.9 An officer will review the operating schedule of the application and liaise with the applicant to ensure that information provided within it is suitably worded to be applied to the licence as conditions if the application is granted. The intention of the proposed steps within the operating schedule will not be changed. Assistance will be provided to develop conditions consistent with the proposed operating schedule to ensure that any conditions, on a granted licence, are clear and can be effectively enforced where necessary.
- 28.10 Licence applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 28.11 Where a licence application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to each of the Responsible Authorities therefore lies with the Council. This must be done no later than the first working day after the application was given to the Council.
- 28.12 Where a paper copy licence application is submitted, the applicant must give notice of the application to each responsible authority by giving each a copy of the application together with its accompanying plan, document and other information on the same day the application is submitted to the Licensing Authority.
- 28.13 The 28 day consultation period for a licence application begins on the first working day after a valid application is given to the Council. From this day,

and for a period of no less than 28 consecutive days following this, the applicant must display a notice (“site notice”) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice must comply with the following format:

- be of a size equal to or larger than A4
- be pale blue in colour
- printed legibly in black ink
- be in a font size equal to or larger than 16
- where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway

- 28.14 The applicant must also publish a notice (“newspaper notice”) in a local newspaper, or if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises. This notice must appear on at least one occasion during the period of 10 working days starting on the day after it was given to the Council.
- 28.15 The Council provides a template for the site notice within the premises licence application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and newspaper notice contain the information prescribed within the relevant legislation¹².
- 28.16 The Council will also advertise the application for a period of no less than 28 consecutive days starting the day after a valid application is received by publishing the required details on the Council’s website¹³.
- 28.17 The Responsible Authorities, or any other person, may make representations to the Council about the application at any time during the 28 day consultation period. Representations made about premises licence applications must be ‘relevant’. See paragraph 19.0 about making representations.
- 28.18 When relevant representations are received about an application the Act requires that a hearing of the Licensing Act Sub Committee will be held in order to determine the application, unless all parties are in agreement that this is not necessary. The Council proactively encourages and supports all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing. A hearing is not necessary when relevant representations are withdrawn and the application remains unchanged (see paragraph 53.0 on hearings and the Council’s Hearing Guidance on the website)

¹² Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

¹³ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulation 26c

- 28.19 The Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the licence to mitigate concerns they have. The acceptance of additional suggested conditions by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required (see paragraph 53.0 on hearings and the Council's Hearing Guidance on the website).
- 28.20 Where no relevant representations are received the licence will be automatically granted on the day after the end of the 28 day consultation period, with the agreed operating schedule and mandatory conditions attached. A paper copy of the premises licence and summary of the premises licence will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the licence has been issued, and provide a copy of the licence to them.

29.0 Change of licence holder's name/address and stolen, lost, damaged or destroyed premises licence or summary

- 29.1 There are specific provisions under the act which permit a licence holder to make changes to their name and/or address or to obtain a copy of a lost, stolen, damaged or destroyed licence providing the correct application or notification is submitted. The Council provides a form on their website (www.shropshire.gov.uk/licensing) for making both of these requests, which must be accompanied by the required documentation, as detailed on the form, and the relevant fee.

30.0 Surrender of a premises licence

- 30.1 Where a premises licence holder wishes to surrender their premises licence, they must give written notice to the Council which must be accompanied by the premises licence. If the premises licence is not available, the notice to surrender must be accompanied by a statement of reasons for failure to provide the licence. From the date the Council receives a notice to surrender a premises licence, the licence will lapse and will not be effective.

31.0 Reinstatement of a premises licence

- 31.1 A premises licence may be reinstated where a premises licence has been surrendered, and in the following circumstances where no interim authority notice has effect:
- the licence holder dies
 - the licence holder lacks mental capacity
 - the licence holder becomes insolvent
 - the licence holder is a company which is dissolved
 - the licence holder ceases to have the right to work in the UK

- 31.2 A premises licence may be reinstated by any person who would be eligible to apply for a premises licence (see paragraph 28.6 above) within 28 days of the premises licence being surrendered or one of the above points having effect. The transfer of a premises licence process should be followed (see paragraph 35.0).

AMENDED CONSULTATION VERSION

32.0 Application for a Provisional Statement

Description

- 32.1 An application for a provisional statement may be made where a premises is being, or is about to be, constructed, extended or altered for the purpose of being used for licensable activities, and the applicant is unable to complete the operating schedule of the premises licence application. This may be due to unknown factors regarding the operation of the premises in the early stages of the construction, extension or alteration.
- 32.2 A provisional statement does not authorise licensable activities if issued. It exists to provide some assurance to investors, who may otherwise be unwilling to commit funds to the development, that a premises licence covering the requested licensable activities is likely to be granted once the building was complete.
- 32.3 Where an applicant is able to satisfy all the requirements of a premises licence application, but the premises is not yet built, the Council strongly encourages applications for a premises licence to be made, rather than a provisional statement.

Application process

- 32.4 A provisional statement may be applied for by any person¹⁴ (person includes individual, sole trader, partnership and company) who is interested in the proposed premises. Where the applicant is an individual, or individuals, they must be aged 18 or over.
- 32.5 A provisional statement cannot be sought or given for a vessel, vehicle or moveable structure (as defined in paragraph 28.10 above)
- 32.6 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing), must be fully completed and be accompanied by plans of the premises to which the application relates in the prescribed form, and the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 32.7 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the licence is payable at the time the application is submitted. In the event that an application for a licence is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event

¹⁴ A wide range of individuals and bodies set out in section 16 of the Act may apply for premises licences

that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.

- 32.8 Provisional statement applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 32.9 Where a provisional statement application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to each of the Responsible Authorities therefore lies with the Council. This must be done no later than the first working day after the application was given to the Council.
- 32.10 Where a paper copy provisional statement application is submitted, the applicant must give notice of the application to each responsible authority by giving each a copy of the application together with its accompanying plans, documentation and other information on the same day the application is submitted to the Licensing Authority.
- 32.11 The 28 day consultation period for a provisional statement application begins on the first working day after a valid application is given to the Council. From this day, and for a period of no less than 28 consecutive days following this, the applicant must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the proposed premises. The notice must comply with the following format:
 - be of a size equal to or larger than A4
 - be pale blue in colour
 - printed legibly in black ink
 - be in a font size equal to or larger than 16
 - where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway
- 32.12 The applicant must also publish a notice (newspaper notice) in a local newspaper, or if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises. This notice must appear on at least one occasion during the period of 10 working days starting on the day after it was given to the Council.
- 32.13 The Council provides a template for the site notice within the provisional statement application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and newspaper notice contain the information prescribed within the relevant legislation¹⁵.

¹⁵ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

- 32.14 The Council will also advertise the application for a period of no less than 28 consecutive days starting the day after a valid application is received by publishing the required details on the Council's website¹⁶.
- 32.15 The Responsible Authorities, or any other person, may make representations to the Council about the application for a provisional statement at any time during the 28 day consultation period.
- 32.16 Representations made about provisional statement applications must be 'relevant'. Responsible Authorities, and any other person, must take the opportunity of the application for a provisional statement to make any relevant representations. Where they do not take this opportunity, and there is no material change in circumstances relating either to the premises or the area in the vicinity of the premises, when the premises licence application is made, and there is no good reason that they didn't, any representation they make at the time will not be relevant and will be excluded. See paragraph 19.0 about making representations.
- 32.17 When relevant representations are received about an application, the Act requires that a hearing of the Licensing Act Sub Committee will be held in order to determine the application, unless all parties are in agreement that this is not necessary. The Council proactively encourages and supports all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing. A hearing is not necessary when relevant representations are withdrawn and the application remains unchanged.
- 32.18 The Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the provisional statement to mitigate concerns they may have. The acceptance of additional suggested conditions by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required.
- 32.19 Where no relevant representations are received the provisional statement will be automatically issued on the day after the end of the 28 day consultation period. A paper copy of the provisional statement will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the licence has been issued, and provide a copy of the provisional statement to them.

33.0 Variation of a Premises Licence (Full Variation)

Description

¹⁶ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulation 26c

33.1 A full variation of a premises licence allows the premises licence holder to make an application to vary or change what an existing premises licence authorises, where the proposed change may have an adverse impact on one or more of the licensing objectives. Full variation applications must be made where the licence holder wishes to:

- extend the period the licence has effect
- make substantial changes to the premises the licence relates to
- add the supply of alcohol as a licensable activity
- increase the amount of time on any day during which alcohol may be sold or supplied

Application process

- 33.2 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and be accompanied by a plan of the premises to which the application relates in the prescribed form, and the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 33.3 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the full variation is payable at the time the application is submitted. In the event that an application for a full variation is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 33.4 An officer will review the application and liaise with the applicant to ensure that information provided within it is suitably detailed to explain the requested variation. Where variations, additions or removal of conditions are requested, an officer will review the wording to be applied to the licence as conditions if the application is granted. The intention of the proposed steps within the operating schedule will not be changed. Assistance will be provided to develop conditions consistent with the proposed operating schedule to ensure that any conditions, on a granted licence, are clear and can be effectively enforced where necessary.
- 33.5 At the time of making a full variation application, the Council expects licence holders to review the conditions attached to the licence and ensure they are fit for purpose. If a licence holder finds that there are conditions attached to their licence which could be updated, amended or improved they are encouraged to propose changes to these conditions as part of their application. The Council will also take the opportunity to do this to ensure that premises licenses contain relevant, fit for purpose and enforceable conditions. Where

the Council finds that there are conditions attached to a licence which require updating, amendment or improvement, or that there are important elements missing from the conditions, an officer will liaise with the licence holder and propose amended or new conditions.

- 33.6 Full variation applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 33.7 Where a full variation application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to each of the Responsible Authorities therefore lies with the Council. This must be done no later than the first working day after the application was given to the Council.
- 33.8 Where a paper copy variation application is submitted, the applicant must give notice of the application to each responsible authority by giving each a copy of the application together with its accompanying plan, document and other information on the same day the application is submitted to the Council.
- 33.9 The 28 day consultation period for a full variation application begins on the first working day after a valid application is given to the Council. From this day, and for a period of no less than 28 consecutive days following this, the applicant must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice must comply with the following format:
 - be of a size equal to or larger than A4
 - be pale blue in colour
 - printed legibly in black ink
 - be in a font size equal to or larger than 16
 - where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway
- 33.10 The applicant must also publish a notice (newspaper notice) in a local newspaper, or if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises. This notice must appear on at least one occasion during the period of 10 working days starting on the day after it was given to the Council.
- 33.11 The Council provides a template for the site notice within the full variation application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and newspaper notice contain the information prescribed within the relevant legislation¹⁷.

¹⁷ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

- 33.12 The Council will also advertise the application for a period of no less than 28 consecutive days starting the day after a valid application is received by publishing the required details on the Council's website¹⁸.
- 33.13 The Responsible Authorities, or any other person, may make representations to the Council about the application at any time during the 28 day consultation period. Representations made about full variation applications must be 'relevant'. See paragraph 19.0 about making representations.
- 33.14 When relevant representations are received about a full variation application the Act requires that a hearing of the Licensing Act Sub Committee will be held in order to determine the application, unless all parties are in agreement that this is not necessary. The Council proactively encourages and supports all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing. A hearing is not necessary when relevant representations are withdrawn and the application remains unchanged.
- 33.15 The Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the licence to mitigate concerns they may have. The acceptance of additional suggested conditions by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required.
- 33.16 Where no relevant representations are received the licence will be automatically granted on the day after the end of the 28 day consultation period, with the agreed operating schedule and mandatory conditions attached. A paper copy of the premises licence and summary of the premises licence will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the licence has been granted, and provide a copy of the licence to them.

¹⁸ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulation 26c

34.0 Variation of a Premises Licence (Minor Variation)

Description

- 34.1 A minor variation of a premises licence allows the premises licence holder to make an application to vary or change what an existing premises licence authorises, where the proposed change will not have an adverse impact on one or more of the licensing objectives. Minor variation applications must be made where the licence holder wishes to:
- make minor changes to the structure or layout of the premises
 - make small adjustments to licensing hours
 - remove out of date, irrelevant or unenforceable conditions
 - add volunteered conditions
 - add certain licensable activities
- 34.2 The Council considers that significant risk of undermining the licensing objectives can be created through minor variation applications if they are considered to be little more than an administrative process. Whilst it is accepted that minor variations exist in order to reduce the burden on licensed premises looking to make less risky changes to their licence, the Council will still carefully scrutinise minor variation applications. Applicants will be approached for further details where it is considered that adequate detail has not been provided in the application.

Application process

- 34.3 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing), must be fully completed and accompanied by the relevant supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 34.4 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the minor variation is payable at the time the application is submitted. In the event that an application for a minor variation is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 34.5 An officer will review the application and liaise with the applicant to ensure that information provided within it is suitably detailed to explain the requested variation. Where variations, additions or removal of conditions are requested, an officer will review the wording to be applied to the licence as conditions if the application is granted. The intention of the proposed steps within the

operating schedule will not be changed. Assistance will be provided to develop conditions consistent with the proposed operating schedule to ensure that any conditions, on a granted licence, are clear and can be effectively enforced where necessary.

- 34.6 At the time of making a minor variation application, the Council expects licence holders to review the conditions attached to the licence and ensure they are fit for purpose. If a licence holder finds that there are conditions attached to their licence which could be updated, amended or improved they are encouraged to propose changes to these conditions as part of their application. The Council will also take the opportunity to do this to ensure that premises licenses contain relevant, fit for purpose and enforceable conditions. Where the Council finds that there are conditions attached to a licence which require updating, amendment or improvement, or that there are important elements missing from the conditions, an officer will liaise with the licence holder and propose amended or new conditions.
- 34.7 Minor variation applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy. The responsibility for giving notice of the application to the relevant Responsible Authorities lies with the Council. The Council will decide which Responsible Authorities they consider it appropriate to share the application with.
- 34.8 The 10 working day consultation period for a minor variation application begins on the first working day after a valid application is given to the Council. From this day, and until the end of the ninth consecutive working day after that day, the applicant must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice must comply with the following format:
 - be of a size equal to or larger than A4
 - be white in colour
 - printed legibly in black ink
 - be in a font size equal to or larger than 16
 - where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway
- 34.9 The Council provides a template for the site notice within the minor variation application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and newspaper notice contain the information prescribed within the relevant legislation¹⁹.

¹⁹ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

- 34.10 The Responsible Authorities, or any other person, may make representations to the Council about the application at any time during the 10 working day consultation period. Representations made about minor variation applications must be 'relevant'. See paragraph 19.0 about making representations.
- 34.11 The Council must take account of any relevant representations received when determining a minor variation application. Where the Council considers that a relevant representation has been received, and one or more of the licensing objectives could be undermined by the proposed variation(s), the application will be rejected at the end of the 10 working day consultation.
- 34.12 The Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the licence to mitigate concerns they may have. The acceptance of additional suggested conditions by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required.
- 34.13 Where no relevant representations are received the licence will be automatically granted on the day after the end of the 10 working day consultation period, with the agreed operating schedule and mandatory conditions attached. A paper copy of the premises licence and summary of the premises licence will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the licence has been granted, and provide a copy of the licence to them.

35.0 Transfer of a Premises LicenceDescription

- 35.1 Any person who would be eligible to apply for a premises licence (as described in paragraph 28.6 above) may apply to the Council for the transfer of a premises licence to them. There are various circumstances in which a transfer of a premise licence may be required, a typical example would be where a business has been sold and the previous licence holder will no longer be responsible for the premises.

Application process

- 35.2 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and be accompanied by the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 35.3 No application will be processed until such a time as all the required information/documentation is provided. An application to transfer a premises licence will only be accepted where:
- the applicant has requested that the transfer has immediate effect, and they are in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see Section 43 of the Licensing Act 2003);
 - the existing premises licence holder has given their consent to transfer the licence;
 - the applicant has shown, to the Council's satisfaction, that they have taken all reasonable steps to obtain consent from the existing premises licence holder and they haven't been able to, and they are in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see Section 43 of the Licensing Act 2003).
- 35.4 The full fee for the transfer is payable at the time the application is submitted. In the event that an application for a transfer is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 35.5 Where a transfer application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to the relevant Responsible Authorities therefore lies with the Council. This will be done the next working

day after the application was given to the Council, and the 14 day consultation period for the relevant Responsible Authorities will be considered to start on this day.

- 35.6 Where a paper copy transfer application is submitted, the applicant must give notice of the application to the relevant Responsible Authorities by giving each a copy of the application together with its accompanying documentation on the same day the application is submitted to the Licensing Authority. The Council will consider the 14 day consultation period for the relevant Responsible Authorities to begin the day the application is received by the Council.
- 35.7 Where the Chief Officer of Police believes that the transfer may undermine the prevention of crime and disorder objective, or the Home Office (Immigration Enforcement) considers the transfer would be prejudicial to the prevention of illegal working in licensed premises, they may object by giving notice to the Council at any time within the 14 day consultation period.
- 35.8 The details of any objection received will be shared with the applicant, who may wish to discuss the content with the relevant Responsible Authority. If agreement can be reached between the two parties, any objection may be withdrawn. If any objection remains at the end of the consultation period a hearing of the Licensing Act Sub Committee will be required to determine the application.
- 35.9 Where no objections are received the transfer will be automatically granted on the day after the end of the 14 day consultation period. A paper copy of the premises licence and summary of the premises licence will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the licence has been issued, and provide a copy of the licence to them. The previous licence holder will also be notified that the transfer has been granted.
- 35.10 It is the responsibility of the applicant to inform the designated premises supervisor that an application to transfer the premise licence has been made, and if it is granted.

36.0 Variation of a premises licence to specify an individual as Designated Premises Supervisor (Vary DPS)

Description

- 36.1 Premises licenses which authorise the sale of alcohol must also specify a Designated Premises Supervisor (DPS). There can only be one DPS specified on a premises licence, this should be the person who has day to day responsibility for running the premises. A DPS may supervise more than one premises, as long as they are able to ensure each premises complies with the requirements of the Licensing Act 2003, the conditions of their premises licence and that the licensing objectives are properly promoted. A premises licence holder may apply to the Council to vary or specify the Designated Premises Supervisor.

Application process

- 36.2 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and be accompanied by the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 36.3 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the vary DPS is payable at the time the application is submitted. In the event that an application for a vary DPS is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 36.4 Unless otherwise specified by the applicant, the application to specify an individual as the DPS will have immediate effect during the application period, as if it were granted. The application period begins on the day the application is received by the Council.
- 36.5 Where a vary DPS application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to the Chief Officer of Police therefore lies with the Council. This will be done the next working day after the application was given to the Council, and the 14 day consultation period for the Chief Officer of Police will be considered to start on this day.
- 36.7 Where a paper copy vary DPS application is submitted, the applicant must give notice of the application to the Chief Officer of Police by giving a copy of the application, together with its accompanying documentation, on the same day the application is submitted to the Licensing Authority. The Council will

consider the 14 day consultation period for the Chief Officer of Police to begin the day the application is received by the Council.

- 36.8 During the 14 day consultation period the Council will check the status of the personal license held by the proposed DPS, if not issued by Shropshire Council, with the home licensing authority to ensure it is current and valid.
- 36.9 In any circumstances it is the responsibility of the applicant to notify the existing DPS of the application to vary the DPS.
- 36.10 Where the Chief Officer of Police believes that the application to vary the DPS may undermine the prevention of crime and disorder objective, they may object by giving notice to the Council at any time within the 14 day consultation period.
- 36.11 The details of any objection received will be shared with the applicant, who may wish to discuss the content with the police. If agreement can be reached between the two parties, any objection may be withdrawn. If any objection remains at the end of the consultation period a hearing of the Licensing Act Sub Committee will be required to determine the application.
- 36.12 Where no objections are received the vary DPS will be automatically granted on the day after the end of the 14 day consultation period. A paper copy of the premises licence and summary of the premises licence will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the licence has been issued, and provide a copy of the licence to them.
- 36.13 It is the responsibility of the applicant to inform the previous DPS that the application has been granted.

37.0 Request to be removed as a designated premises supervisor

- 37.1 Where an individual no longer wishes to be the designated premises supervisor they must inform the premises licence holder. It is the responsibility of the licence holder to then either make an application to vary the designated premises supervisor, or return the premises licence to the Council within 14 days of receiving notification from the outgoing DPS. If the licence holder is unable to return the premises licence, they must inform the Council in writing that the DPS has left and provide an explanation for why they cannot return the licence.
- 37.2 The Council would prefer that, at the same time as notifying the licence holder, the outgoing DPS also informs the Licensing Team that they no longer wish to be the DPS of the premises. This may be done in writing or by email.

38.0 Interim Authority Notice

Description

- 38.1 Interim authority notices can be given following the lapse of a premises licence as a result of the death, incapacity or insolvency of the licence holder, or change of their immigration status and where no application to reinstate the licence though transfer has been made.
- 38.2 Any person who is a freeholder or leaseholder of the premises, or who has a connection to the former holder of the premises licence may, during the first 28 days from the day after the licence lapsed, give the Council an interim authority notice:
- where the former licence holder has died, their personal representative is most likely to be the executor of their estate
 - where the former licence holder lacks capacity to hold the licence, their personal representative is most likely to be the person who has enduring or lasting power of attorney
 - where the former licence holder has become insolvent, their personal representative is their insolvency practitioner
- 38.3 The person giving the notice must have the right to work in the UK. Only one interim authority notice may be given in respect of any premises licence.

Application process

- 38.4 The prescribed form, which is available on the Council's website (www.shropshire.gov.uk/licensing), must be fully completed and accompanied by the appropriate fee. If any part of the notice form is incomplete or the fee is not paid, the notice will be rejected and returned to the notice giver. The notice giver will be informed of what the missing information is and requested to formally resubmit the whole notice with that information included.
- 38.5 No notice will be processed until such a time as all the required information is provided. The full fee is payable at the time the notice is submitted. In the event that an interim authority notice is paid by cheque the notice will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear, the notice will be considered invalid and returned to the notice giver. The notice giver will be notified.
- 38.6 Interim authority notices must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 38.7 Where an interim authority notice is submitted by email, the Council will consider the notice to have been submitted by relevant electronic facility, and the responsibility for giving a copy of the notice to the Chief Officer of Police, and the Home Office where the licence includes the supply of alcohol and/or late night refreshment and the notice giver is an individual, therefore lies with

the Council. This will be done no later than the first working day after the notice was given to the Council.

- 38.8 Where a paper copy interim authority notice is submitted, the notice giver must give a copy of the notice the Chief Officer of Police, and the Home Office where the licence includes the supply of alcohol and/or late night refreshment and the notice giver is an individual, no later than 28 days after the day the notice was received by the Council.
- 38.9 Where the Chief Officer of Police believes that the interim authority notice may undermine the prevention of crime and disorder objective, they may object by giving notice to the Council at any time before the end of the second working day following the day they received the copy notice.
- 38.10 Where the Home Office believes that the interim authority notice may be prejudicial to the prevention of illegal working in licensed premises, they may object by giving notice to the Council at any time before the end of the second working day following the day they received the copy notice.
- 38.11 The details of any objection received will be shared with the notice giver, who may wish to discuss the content with the objector. If agreement can be reached between the two parties, any objection may be withdrawn. If, following an objection being made, the applicant no longer wishes to pursue the notice, the Council will cancel it by giving the notice giver notice, stating the reasons for its cancellation. The Council's notice will be given to the police and the Home Office and the premises licence will lapse.
- 38.12 If any objection remains at the end of the second working day following the day the Chief Officer of Police or Home Office received the copy notice, a hearing of the Licensing Act Sub Committee will be required to determine the application.
- 38.13 Where no objections are received the notice will stand and the premises licence will be reinstated. The notice giver becomes the premises licence holder and the notice has effect for a period of three months from the day it is received by the Council. A paper copy of the premises licence and summary of the premises licence will be issued to the notice giver as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police and the Home Office that the licence has been issued, and provide a copy of the licence to them.
- 38.14 Unless a valid application is received to transfer the premises licence within the three month period the notice has effect, the premises licence will lapse again and will no longer have effect. An interim authority notice may be terminated by the person who gave it at any time during the three month notice period by notifying the Council. It is the notice givers responsibility to notify the Designated Premises Supervisor of the interim authority notice.

39.0 Club Premises CertificateDescription

- 39.1 A club premises certificate is intended to permit licensable activities in a premises used by a club (see below description). Where a premises is used for club purposes, and also has areas where general public admission is permitted, or areas are available for hire to the general public, the Council strongly encourages applications to be made for a single premises licence to cover the entire premises, rather than a club premises certificate to cover members areas and a premises licence to cover non-member areas. This avoids the cost of two annual licence fees for the premises and consolidates the licensable activities under one authorisation.
- 39.2 A club premises certificate authorises the use of any premises (which is defined in the Act as a vehicle, vessel or moveable structure or any place or part of any premises) occupied by, and habitually used for the purposes of, a qualifying club for licensable activities.
- Vehicle means a vehicle intended or adapted for use on roads
 - A vessel includes a ship, boat, raft or other apparatus constructed or adapted for floating on water
 - A moveable structure is any structure capable of being moved
 - Any place includes areas such as parks, playing fields or streets
 - A premises is a building or other permanent structure
- 39.3 In order to be a 'qualifying club' the following conditions must be met:
- There must be a period of at least two days between new members applying for, or being nominated for, membership and their admission to the members only facilities of the club;
 - Where there is no application or nomination process to become a member, there must still be two days between a person becoming a member and being given admission to the facilities of the club;
 - The club is established and conducted in good faith as a club;
 - The club has at least 25 members;
 - Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- 39.4 Where a qualifying club applies for a club premises certificate to authorise the supply of alcohol, the following further conditions must also be met:
- The purchase of alcohol for the club and the supply of alcohol by the club are managed by committee whose members are elected members of the club and are aged 18 and over;
 - No individual person, directly or indirectly, may receive or derive any financial, or other, benefit from the supply of alcohol.

- 39.5 In order to determine that a club is established and conducted in good faith, the Council requires the following evidence to accompany an application for a club premises certificate:
- Details of the arrangements for purchasing alcohol – there must be no restrictions placed on the club's freedom of purchase
 - Details of the rules or arrangements under which money, property or any gain arising from the operation of the club is for the benefit of the club or charitable, benevolent or political purposes and does not benefit any other individual or organisation
 - Detail of arrangements in place for giving member information about the finances of the club, and any accounts and/or other records kept to ensure the accuracy of that information
 - Details of the nature of the premises occupied by the club
- 39.6 The above qualifying criteria also apply to registered societies, friendly societies²⁰ and relevant miners' welfare institutes²¹. A proprietary club, which is a for profit group such as a health club, is not a qualifying club and any premises occupied by them, where licensable activities are carried out, would require a premises licence, and not a club premises certificate.

40.0 Licensable Activities and Qualifying Club Activities

- 40.1 A club premises certificate is required if any of the licensable activities are carried out by any of the above clubs, on or from one of the above types of premises. The licensable activities are:
- Supply of alcohol
 - Provision of regulated entertainment

Supply of alcohol

- 40.2 The supply of alcohol is the provision of alcoholic products by a qualifying club to a member of a club (see paragraph 39.4), and the sale by retail of alcohol to guests of members of the club for consumption on the premises.
- 40.3 Alcohol means products where the alcohol content at the time of sale exceed 0.5%. There are some very specific exemptions where certain products are not classed as alcohol for the purposes of sale by retail of alcohol, such as liqueur confectioneary.

Provision of Regulated Entertainment

- 40.4 Regulated entertainment provided by or on behalf of the club for members of the club and their guests. Regulated entertainment is:

²⁰ Licensing Act 2003 Part 4, section 65

²¹ Licensing Act 2003 Part 4, section 66

- a performance of a play which takes place in front of an audience of more than 500 people and/or between the hours of 23:00 and 08:00
- an exhibition of a film
- an indoor sporting event which takes place in front of an audience of more than 1000 people and/or between the hours of 23:00 and 08:00
- a boxing or wrestling entertainment (not including Greco-Roman wrestling or freestyle wrestling between two participants) which takes place in front of an audience of more than 1000 people and/or between the hours of 23:00 and 08:00 and/or where both the activity and the spectators are not wholly accommodated within a building
- performance of live music (or entertainment of a similar description) in front of an audience of more than 500 and/or between the hours of 23:00 and 08:00
- any playing of recorded music (or entertainment of a similar description) in front of an audience of more than 500 people and/or between the hours of 23:00 and 08:00
- a performance of dance (or entertainment of a similar description) in front of an audience of more than 500 and/or between the hours of 23:00 and 08:00²².

40.5 There are some circumstances in which a club premises certificate, or other authorisation under the Act, for regulated entertainment is not required. The Act and Section 182 Guidance issued under the Act provide further detail on this²³.

Duration of Club Premises Certificate

40.6 A club premises certificate has effect until:

- it is withdrawn because the club ceases to be a qualifying club
- the licence is revoked as a result of a licence review
- it is suspended as the result of a licence review
- the licence is surrendered by the licence holder
- the end of any specified limited period for which it was granted

40.7 The Council will suspend a club premises certificate where the relevant annual fee has not been paid. A club premises certificate does not have effect whilst it is suspended.

Application process

40.8 A club premises certificate may be applied for by any qualifying club (see paragraph 39.3) for a premises which is occupied by and habitually used for the purposes of the club carrying out qualifying club licensable activities (see paragraph 40.1).

²² If the performance of dance falls within the definition of 'relevant entertainment' under Section 2A of the Local Government (Miscellaneous Provisions) Act 1982 a Sexual Entertainment Venue Licence under that legislation will be required, rather than a premises licence

²³ Licensing Act 2003 Schedule 1, Part 2 and Revised Guidance issued under section 182 of the Licensing Act 2003

- 40.9 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and be accompanied by a plan of the premises in the prescribed form, a copy of the rules of the club to which the application relates and the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 40.10 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the club premises certificate is payable at the time the application is submitted. In the event that an application for a club premises certificate is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 40.11 An officer will review the operating schedule of the application and liaise with the applicant to ensure that information provided within it is suitably worded to be applied to the club premises certificate as conditions if the application is granted. The intention of the proposed steps within the operating schedule will not be changed. Assistance will be provided to develop conditions consistent with the proposed operating schedule to ensure that any conditions, on a granted club premises certificate, are clear and can be effectively enforced where necessary.
- 40.12 Club premises certificate applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 40.13 Where a club premises certificate application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to each of the Responsible Authorities therefore lies with the Council. This must be done no later than the first working day after the application was given to the Council.
- 40.14 Where a paper copy club premises certificate application is submitted, the applicant must give notice of the application to each responsible authority by giving each a copy of the application together with its accompanying plan, documents and other information on the same day the application is submitted to the Council.
- 40.15 The 28 day consultation period for a club premises certificate application begins on the first working day after a valid application is given to the Council. From this day, and for a period of no less than 28 consecutive days following this, the applicant must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read

from the exterior of the premises. The notice must comply with the following format:

- be of a size equal to or larger than A4
- be pale blue in colour
- printed legibly in black ink
- be in a font size equal to or larger than 16
- where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway

- 40.16 The applicant must also publish a notice (newspaper notice) in a local newspaper, or if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises. This notice must appear on at least one occasion during the period of 10 working days starting on the day after it was given to the Council.
- 40.17 The Council provides a template for the site notice within the club premises certificate application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and newspaper notice contain the information prescribed within the relevant legislation²⁴.
- 40.18 The Council will also advertise the application for a period of no less than 28 consecutive days starting the day after a valid application is received by publishing the required details on the Council's website²⁵.
- 40.19 The Responsible Authorities, or any other person, may make representations to the Council about the application at any time during the 28 day consultation period. Representations made about club premises certificate applications must be 'relevant'. See paragraph 19.0 about making representations.
- 40.20 When relevant representations are received about an application the Act requires that a hearing of the Licensing Act Sub Committee will be held in order to determine the application, unless all parties are in agreement that this is not necessary (See paragraph 53.0 about hearings and the Councils Hearings Guidance on the website). The Council proactively encourages and supports all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing. A hearing is not necessary when relevant representations are withdrawn and the application remains unchanged.
- 40.21 The Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the club premises certificate to mitigate concerns they may have. The acceptance of additional suggested conditions

²⁴ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

²⁵ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulation 26c

by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required.

- 40.22 Where no relevant representations are received the club premises certificate will be automatically granted on the day after the end of the 28 day consultation period, with the agreed operating schedule and mandatory conditions attached. A paper copy of the club premises certificate and summary of the club premises certificate will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the club premises certificate has been granted, and provide a copy of the licence to them.

41.0 Change of club premises certificate holder's name, notification of alteration of club rules and stolen, lost, damaged or destroyed club premises certificate or summary

- 41.1 There are specific provisions under the act which permit a club premises certificate holder to make changes to their name, notify the Council of alterations to the club rules, or to obtain a copy of a lost, stolen, damaged or destroyed certificate providing the correct application or notification is submitted. The Council provides a form for making both of these requests, which must be accompanied by the required documentation, as detailed on the form, and the relevant fee.

42.0 Surrender of a club premises certificate

- 42.1 Where a club premises certificate holder wishes to surrender the certificate, they must give written notice to the Council which must be accompanied by the club premises certificate. If the certificate is not available, the notice to surrender must be accompanied by a statement of reasons for failure to provide the certificate. From the date the Council receives a notice to surrender a club premises certificate, the certificate will lapse and will not be effective.

43.0 Withdrawal of a Club Premises Certificate

- 43.1 Where it appears to the Council that a club which holds a club premises certificate is no longer a qualifying club (as defined in paragraph 40.0 above) the Council will give a notice to the club notifying them that the club premises certificate no longer has effect. Where a notice of withdrawal is given because it appears to the Council that the club has fewer than 25 members, the notice will have effect after a period of three months from the date the notice is given. Where the club has increased its members in the three-month notice period to the required number, the notice will not take effect.

44.0 Variation of a Club Premises Certificate (Full Variation)

Description

44.1 A full variation of a club premises certificate allows the certificate holder to make an application to vary or change what an existing club premises certificate authorises, where the proposed change may have an adverse impact on one or more of the licensing objectives. Full variation applications must be made where the licence holder wishes to:

- extend the period the licence has effect
- make substantial changes to the premises the licence relates to
- add the supply of alcohol as a licensable activity
- increase the amount of time on any day during which alcohol may be sold or supplied

Application process

44.2 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and be accompanied by a plan of the premises to which the application relates in the prescribed form, and the appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.

44.3 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the full variation is payable at the time the application is submitted. In the event that an application for a full variation is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.

44.4 An officer will review the application and liaise with the applicant to ensure that information provided within it is suitably detailed to explain the requested variation. Where variations, additions or removal of conditions are requested, an officer will review the wording to be applied to the certificate as conditions if the application is granted. The intention of the proposed steps within the operating schedule will not be changed. Assistance will be provided to develop conditions consistent with the proposed operating schedule to ensure that any conditions, on a granted certificate, are clear and can be effectively enforced where necessary.

44.5 At the time of making a full variation application, the Council expects club premises certificate holders to review the conditions attached to the certificate and ensure they are fit for purpose. If a certificate holder finds that there are

conditions attached to their club premises certificate which could be updated, amended or improved they are encouraged to propose changes to these conditions as part of their application. The Council will also take the opportunity to do this to ensure that club premises certificates contain relevant, fit for purpose and enforceable conditions. Where the Council finds that there are conditions attached to a club premises certificate which require updating, amendment or improvement, or that there are important elements missing from the conditions, an officer will liaise with the certificate holder and propose amended or new conditions.

- 44.6 Full variation applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 44.7 Where a full variation application is submitted by email, the Council will consider the application to have been submitted by relevant electronic facility, and the responsibility for giving notice of the application to each of the Responsible Authorities therefore lies with the Council. This must be done no later than the first working day after the application was given to the Council.
- 44.8 Where a paper copy variation application is submitted, the applicant must give notice of the application to each responsible authority by giving each a copy of the application together with its accompanying plan, document and other information on the same day the application is submitted to the Council.
- 44.9 The 28 day consultation period for a full variation application begins on the first working day after a valid application is given to the Council. From this day, and for a period of no less than 28 consecutive days following this, the applicant must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice must comply with the following format:
 - be of a size equal to or larger than A4
 - be pale blue in colour
 - printed legibly in black ink
 - be in a font size equal to or larger than 16
 - where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway
- 44.10 The applicant must also publish a notice (newspaper notice) in a local newspaper, or if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises. This notice must appear on at least one occasion during the period of 10 working days starting on the day after it was given to the Council.
- 44.11 The Council provides a template for the site notice within the full variation application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and

newspaper notice contain the information prescribed within the relevant legislation²⁶.

- 44.12 The Council will also advertise the application for a period of no less than 28 consecutive days starting the day after a valid application is received by publishing the required details on the Council's website²⁷.
- 44.13 The Responsible Authorities, or any other person, may make representations to the Council about the application at any time during the 28 day consultation period. Representations made about full variation applications must be 'relevant'. See paragraph 19 about making representations.
- 44.14 When relevant representations are received about a full variation application the Act requires that a hearing of the Licensing Act Sub Committee will be held in order to determine the application, unless all parties are in agreement that this is not necessary. The Council proactively encourages and supports all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing. A hearing is not necessary when relevant representations are withdrawn and the application remains unchanged See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website.
- 44.15 The Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the club premises certificate to mitigate concerns they have. The acceptance of additional suggested conditions by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website.
- 44.16 Where no relevant representations are received the club premises certificate will be automatically granted on the day after the end of the 28 day consultation period, with the agreed operating schedule and mandatory conditions attached. A paper copy of the club premises certificate and summary of the club premises will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the club premises certificate has been granted, and provide a copy of the certificate to them.

²⁶ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

²⁷ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulation 26c

45.0 Variation of a Club Premises Certificate (Minor Variation)

Description

- 45.1 A minor variation of a club premises certificate allows the club premises certificate holder to make an application to vary or change what an existing certificate authorises, where the proposed change will not have an adverse impact on one or more of the licensing objectives. Minor variation applications must be made where the licence holder wishes to:
- make minor changes to the structure or layout of the premises
 - make small adjustments to licensing hours
 - remove out of date, irrelevant or unenforceable conditions
 - add volunteered conditions
 - add certain licensable activities
- 45.2 The Council considers that significant risk of undermining the licensing objectives can be created through minor variation applications if they are considered to be little more than an administrative process. Whilst it is accepted that minor variations exist in order to reduce the burden on licensed club premises looking to make less risky changes to their club premises certificate, the Council will still carefully scrutinise minor variation applications. Applicants will be approached for further details where it is considered that adequate detail has not been provided in the application.

Application process

- 45.3 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing) must be fully completed and accompanied by the relevant supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 45.4 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the minor variation is payable at the time the application is submitted. In the event that an application for a minor variation is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 45.6 An officer will review the application and liaise with the applicant to ensure that information provided within it is suitably detailed to explain the requested variation. Where variations, additions or removal of conditions are requested, an officer will review the wording to be applied to the club premises certificate as conditions if the application is granted. The intention of the proposed steps

within the operating schedule will not be changed. Assistance will be provided to develop conditions consistent with the proposed operating schedule to ensure that any conditions, on a granted certificate, are clear and can be effectively enforced where necessary.

- 45.7 At the time of making a minor variation application, the Council expects club premises certificate holders to review the conditions attached to the certificate and ensure they are fit for purpose. If a licence holder finds that there are conditions attached to their certificate which could be updated, amended or improved they are encouraged to propose changes to these conditions as part of their application. The Council will also take the opportunity to do this to ensure that club premises certificates contain relevant, fit for purpose and enforceable conditions. Where the Council finds that there are conditions attached to a certificate which require updating, amendment or improvement, or that there are important elements missing from the conditions, an officer will liaise with the certificate holder and propose amended or new conditions.
- 45.8 Minor variation applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy. The responsibility for giving notice of the application to the relevant Responsible Authorities lies with the Council. The Council will decide which Responsible Authorities they consider it appropriate to share the application with.
- 45.9 The 10 working day consultation period for a minor variation application begins on the first working day after a valid application is given to the Council. From this day, and until the end of the ninth consecutive working day after that day, the applicant must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice must comply with the following format:
 - be of a size equal to or larger than A4
 - be white in colour
 - printed legibly in black ink
 - be in a font size equal to or larger than 16
 - where the premises covers an area of more than 50 meters square the same notice must be displayed every 50 meters along the external perimeter of the premises abutting any highway
- 45.10 The Council provides a template for the site notice within the minor variation application pack. This can be completed and used as both the site notice and newspaper notice. If the public notice template provided in the application pack is not used, the applicant must ensure that their site notice and newspaper notice contain the information prescribed within the relevant legislation²⁸.

²⁸ Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 SI 2005/42 – Regulations 25 and 26

- 45.11 The Responsible Authorities, or any other person, may make representations to the Council about the application at any time during the 10 working day consultation period. Representations made about minor variation applications must be 'relevant'. See paragraph 19.0 about making representations.
- 45.12 The Council must take account of any relevant representations received when determining a minor variation application. Where the Council considers that a relevant representation has been received, and one or more of the licensing objectives could be undermined by the proposed variation(s), the application will be rejected at the end of the 10 working day consultation.
- 45.13 Responsible Authorities, and any other person, may suggest additional conditions they wish to be applied to the club premises certificate to mitigate concerns they may have. The acceptance of additional suggested conditions by the applicant will remove the requirement for the Responsible Authority, or other person, to object to the application. If agreement can be reached between the parties on the addition of extra conditions no hearing will be required. If the applicant does not agree to the addition of conditions suggested by other parties a hearing will be required See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website.
- 45.14 Where no relevant representations are received the club premises certificate will be automatically granted on the day after the end of the 10 working day consultation period, with the agreed operating schedule and mandatory conditions attached. A paper copy of the club premises certificate and summary of the certificate will be issued to the applicant as soon as reasonably practicable after this. The Council will notify the Chief Officer of Police that the club premises certificate has been granted, and provide a copy of the certificate to them.

46.0 Temporary Event Notices (TENs)

Description

- 46.1 A temporary event notice (TEN) may be given by any individual aged 18 or over wishing to carry on licensable activities (see paragraph 26.0) without the authorisation of a premises licence on a temporary basis. A TEN may be given for a premises which has a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation, or where the permission of the licence/certificate holder to use the licence/certificate has not been given.
- 46.2 A temporary event notice may be given for any individual premises up to 15 times in a calendar year. ‘Premises’ can mean any place, it does not have to be a building with a formal address.
- 46.3 Each temporary event notice must last no longer than 7 days, or 168 hours, and there must be 24 hours between each individual temporary event notice at a premises. For the purposes of a TEN ‘a day’ is considered to be 00:00 to 23:59. The maximum total duration of events which can be authorised by TENs at an individual premises is 21 days in a calendar year.
- 46.4 Multiple TENs may be given at the same time, if for example an individual is planning multiple events throughout the year and is planning ahead. Each individual event must be on a separate notice and accompanied by the fee.
- 46.5 Personal licence holders may give up to 50 TENs in a calendar year, up to 10 of which may be late TENs. Non personal licence holders may give up to 5 TENs in a calendar year, 2 of which may be late TENs. Associates, relatives and business partners of an individual giving a TEN are considered to be the same person in relation to these restrictions. Therefore, for example, two business partners who held personal licenses could not apply for 100 TENs between them, they would be limited to 50.
- 46.6 The maximum number of people at any one time attending an event authorised by a TEN is 499. This includes any staff, suppliers and other services who may be in attendance.
- 46.7 A copy of the TEN must be on the premises whilst the event is taking place. The person who gave the notice does not need to be at the event, or on the premises, but they should nominate a person who is present at the premises whilst the event is taking place to keep and produce the notice. A notice identifying the nominated person should be on display at the premises.

Notice giving process

- 46.8 The prescribed form of the notice, which is available on the Council’s website (www.shropshire.gov.uk/licensing), must be fully completed and be accompanied the appropriate fee. If any part of the notice is incomplete or the fee is not paid, the notice will be rejected and returned to the applicant. The

notice giver will be informed of what the missing information is and requested to formally resubmit the whole notice with that information included.

- 46.9 No notice will be processed until such a time as all the required information is provided. The full fee is payable at the time the notice is submitted. In the event that a notice is paid by cheque the notice will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the notice will be considered invalid and returned to the notice giver. The notice giver will be notified.
- 46.10 Temporary Event Notices must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 46.11 Where a TEN is submitted by email, the Council will consider the notice to have been submitted by relevant electronic facility, and the responsibility for giving a copy of the notice to the Chief Officer of Police and Environmental Health therefore lies with the Council. This must be done no later than the first working day after the application was given to the Council.
- 46.12 Where a paper copy TEN is submitted, the notice giver must give notice of the TEN to the Chief Officer of Police and Environmental Health by giving each a copy of the notice on the same day the application is submitted to the Council.
- 46.13 There are two types of temporary event notice, standard TENs and late TENs. They are subject to different processes and may be used in specific circumstances.
- 46.14 Standard TENs must be submitted to the Council at least ten working days before the event, not including the day the notice is submitted, or the day of the event. The Council strongly encourages those planning events where a TEN is required to submit the notice as part of the early stages of planning of the event. The three day consultation period begins the day the notice is received by the Chief Officer of Police and Environmental Health. They may make representations to the Council about the notice at any time during the 3 day consultation period. Representations made about TENs must be 'relevant', and made on the basis the notice would undermine one or more of the four licensing objectives.
- 46.15 When relevant representations are received about a TEN, the Act requires that a hearing of the Licensing Act Sub Committee will be held in order to determine the notice, unless all parties are in agreement that this is not necessary See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website. The Council proactively encourages and supports all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing. The police or Environmental Health may contact the notice giver in order to negotiate a mutually satisfactory agreement which allows the proposed licensable activities to proceed. Any proposed modification must be agreed by the police, Environmental Health and the notice giver. In these circumstances the Council will modify the TEN

in accordance with the agreement made prior to issuing. A hearing is not necessary where a modification is agreed during the consultation period.

- 46.16 Where a TEN has been given for any part of a premises to which an existing premises licence or club premises certificate applies, and there has been an objection from the police or Environmental Health which has not been withdrawn, the Council may apply conditions from the licence or certificate if they feel it is appropriate for the promotion of the licensing objectives.
- 46.17 Where no relevant representations are received the notice will stand. It will be endorsed by the Council and issued to the notice giver within 24 hours of the day of the event.
- 46.18 Late TENs can be given in exceptional circumstances, where the reason for submitting the notice late is outside the notice giver's control, for example a sudden need to change the venue of an event. Late TENs may be given no later than five working days, but no earlier than nine working days, before an event is due to take place, not including the day the notice is submitted or the day of the event. The application process for a late TEN is the same as a standard TEN, however if a relevant objection is received from the police or Environmental Health the notice will not be valid. A counter notice will be issued by the Council to the notice giver no later than 24 hours before the event to confirm that the TEN does not have effect and the event will not go ahead. A copy of the counter notice will also be provided to the police and Environmental Health.
- 46.19 Where a TEN is submitted which exceeds either the permitted number of TENs at an individual premises, or the number an individual person may apply for, the notice will not be valid and the Council will issue a counter notice to the notice giver no later than 24 hours before the beginning of the event.
- 46.20 Ordinarily notices will be issued in hard copy and sent in the post so they can be placed at the premises. If the notice giver has the facilities to print the notice, and would prefer to receive it electronically in PDF format, they should inform the Council of this at the time the notice is submitted.

47.0 Withdrawal of a Temporary Event Notice

- 47.1 TENs may be withdrawn if an event is no longer going ahead. This must be done no later than 24 hours before the start of the event. If the notice is not withdrawn within this time period, the notice will count towards the premises' and the individual's permitted numbers of notices in that calendar year. The fee for submitting the notice will not be refunded.

48.0 Stolen, lost, damaged or destroyed Temporary Event Notice

- 48.1 There are specific provisions under the act which allow a notice holder to obtain a copy of a lost, stolen, damaged or destroyed TEN by requesting it from the Licensing Team. This must be done within one month of the end of the event period which is specified on the notice, and be accompanied by the

relevant fee. The Council will issue an endorsed copy of the notice to the notice holder.

AMENDED CONSULTATION VERSION

49.0 Personal Licences

Description

- 49.1 A personal license authorises an individual to supply alcohol or authorise the supply of alcohol by others in accordance with a premises licence or club premises certificate. A personal licence must be held by any individual in order to be the Designated Premises Supervisor at a licensed premises.
- 49.2 An applicant for a personal licence must:
- be aged 18 or over
 - have the right to work in the UK in a licensable activity
 - have a licensing qualification accredited by the Secretary of State (or be a prescribed person in the Licensing Act 2003 [Personal licenses] Regulations 2005)
 - not have forfeited a personal licence within five years of their application
 - not have been convicted of any relevant or foreign offence or been required to pay an immigration penalty²⁹
 - provide a criminal conviction certificate, a criminal record certificate or the results of a subject access search of the Police National Computer by the National Identity Service which is no older than one calendar month before the date the app
 - inform the Council if they are convicted of a relevant offence or foreign offence or are required to pay an immigration penalty during the application process
 - provide two recent passport style photographs of themselves, one of which is endorsed with a statement verifying the likeness of the photograph to the applicant³⁰

Duration of licence

- 49.3 A personal licence has effect indefinitely unless it is surrendered, the holder of the licence ceases to have the right to work in the UK, the licence is revoked, forfeited or suspended by order of a court.
- 49.4 If a personal licence holder is charged with a relevant offence³¹, they have a duty to produce their personal licence to the court, or notify the court of the existence of their personal licence and the issuing Licensing Authority.
- 49.5 If a personal licence holder is convicted of a relevant offence they must inform the Council as soon as reasonably practicable, the details of the date and nature of the conviction and the sentence.

²⁹ Licensing Act 2003, Schedule 4

³⁰ Photograph must be endorsed by a solicitor, notary, a person of standing in the community or any other individual with a professional qualification

³¹ Licensing Act 2003, Schedule 4

Application process

- 49.6 The prescribed application form, which is available on the Council's website (www.shropshire.gov.uk/licensing), must be fully completed and be accompanied by the required documentation as listed above in paragraph 49.2. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the application will be rejected and returned to the applicant. The applicant will be informed of what the missing information/documentation is and requested to formally resubmit the whole application with that information included.
- 49.7 No application will be processed until such a time as all the required information/documentation is provided. The full fee for the licence is payable at the time the application is submitted. In the event that an application for a licence is paid by cheque the application will not be valid, and the consultation period will not begin, until such time as the cheque has cleared. In the event that the cheque does not clear, the application will be considered invalid and returned to the applicant. The applicant will be notified.
- 49.8 Personal licence applications must be submitted to Shropshire Council's Licensing Team, and can be submitted either by email or paper copy.
- 49.9 Where a valid application is received by the Council which discloses any conviction for a relevant offence, foreign offence or immigration penalty, the application will be given by the Council to the Chief Officer of Police. They may raise objections to the issuing of the personal licence within 14 days of receiving the application if they believe that the granting of the licence would undermine the prevention of crime and disorder objective.
- 49.10 Where a valid application is received which discloses a conviction for a foreign offence, which the Council considers to be comparable to an immigration offence, an immigration offence or immigration penalty, the Council will give the application to the Home Office. They may raise objections within 14 days of receiving the application if they believe the granting of the licence would be prejudicial to the prevention of illegal working in licensed premises.
- 49.11 If objections are received from the Chief Officer of Police or Home Office a hearing of the Licensing Act Sub Committee will be arranged to determine the application, unless all parties agree it is not necessary See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website.
- 49.12 Where no relevant convictions, foreign offences, immigration offences or immigrations penalties are disclosed with a valid application, the Council will grant and issue the licence as soon as reasonably practicable. The Council will inform the Chief Officer of Police of the granting of the licence.
- 49.13 If it comes to light that an applicant for a personal licence did not disclose convictions for relevant offences, foreign offences, immigration offences or immigration penalties during the application period, and the personal licence

has been granted, the Council will inform the Chief Officer of Police and the Home Office (where relevant). They will have 14 days to raise any objections, where objections are received a hearing of the Licensing Act Sub Committee will be required to determine if the personal licence should be revoked See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website. If no objections are received the personal licence will remain in force.

- 49.14 Only one personal licence application may be made at any time, an individual may not apply for another personal licence until the initial application has been determined. An individual may only hold one personal licence, a personal licence will be void if at the time it is granted the individual holds another personal licence.

Convictions after grant of personal licence

- 49.15 Any personal licence holder who is charged with a relevant offence must, no later than the time they first appear in the magistrate's court, produce their personal licence to the court. If they do not have their personal licence they must still inform the court of its existence, notify them of the issuing Council and explain why it cannot be produced.
- 49.16 If an individual is charged with a relevant offence and appears in court during the application period, prior to the granting of a personal licence, there is no requirement to inform the court of their application. There is also no requirement to inform the Council of the charge.
- 49.17 If a personal licence holder is convicted of a relevant offence, foreign offence, immigration offence or receives an immigration penalty they must inform the Council as soon as reasonably practicable after the conviction of the date and nature of the conviction and the sentence imposed. They must also return the personal licence to the Council, or if that is not practical a notice stating why that is the case. The Council will record the detail of the conviction(s) and endorse them on the licence with any period of suspension. The personal licence will then be returned to the holder, unless it has been forfeited by the court, in which case the Council will keep it.
- 49.18 If a personal licence holder receives a conviction for a relevant or foreign offence, an immigration offence or an immigration penalty, the Council will consider whether or not it considers further action is required. This may mean revocation of the personal licence, or suspension for a period of up to six months. The Council will notify the licence holder and give them 28 days to make representations from the day they are notified. Having received the licence holder's representation, the Council will decide whether or not they proposed to revoke or suspend the personal licence.
- 49.19 If the Council is minded to propose suspension or revocation of the personal licence, a hearing of the Licensing Act Sub Committee will be arranged in order to make a final decision on whether to suspend or revoke the licence. See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website.

- 49.20 If the Council is not minded to revoke or suspend the licence, the Chief Officer of Police will be notified and will have 14 days from the day of notification to make any representations in relation to the prevention of crime and disorder. Where the conviction is related to immigration offences, the Home Office will also be notified and can make representations in the same way as the police but with regard to ensuring that it would not be prejudicial to illegal working in licensed premises for the licence holder to retain their personal licence. A hearing of the Licensing Act Sub Committee will then be arranged to make the final decision on whether to suspend or revoke the licence. See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website.
- 49.21 Where the Licensing Act Sub Committee decides to suspend or revoke a personal licence, the decision will not have effect until 21 days after the licence holder is notified the decision, or if the licence holder decides to appeal the decision, until the appeal is disposed of.
- 49.22 The licence holder, Chief Officer of Police and Home Office (where necessary) will be notified of the decision of the Licensing Act Sub Committee.
- 49.23 Where the conviction is being appealed by the personal licence holder, the Council may not take any of the above action until the appeal period has ended.

50.0 Change of licence holder's name/address and stolen, lost, damaged or destroyed premises licence or summary

- 50.1 There are specific provisions under the act which permit a personal licence holder to make changes to their name and/or address or to obtain a copy of a lost, stolen, damaged or destroyed licence providing the correct application or notification is submitted. The Council provides a form for making both of these requests, which must be accompanied by the required documentation, as detailed on the form, and the relevant fee.

51.0 Surrender of a personal licence

- 51.1 Where a personal licence holder wishes to surrender their personal licence, they must give written notice to the Council which must be accompanied by the personal licence. If the personal licence is not available, the notice to surrender must be accompanied by a statement of reasons for failure to provide the licence. From the date the Council receives a notice to surrender a personal licence, the licence will lapse and will not be effective.

52.0 Review of a Premises Licence or Club Premises Certificate

Description

- 52.1 The Responsible Authorities, or any other person, may apply to the Council for a review of a premises licence or club premises certificate where issues associated with the premises in relation to the licensing objectives occur after the grant or variation of a licence or club certificate.
- 52.2 The Act does not provide a pre-defined list of issues that might prompt a licence review; however, the Council is likely to consider carrying out a review where there are reasonable concerns relating to:
- the licensing objectives being undermined or that compliance with the objectives is at risk;
 - the fundamental purpose of the Council's Policy being undermined or that compliance with the purpose is at risk;
 - complaints from residents, responsible authorities or other interested parties about the operation of the premises;
 - premises licence conditions not being observed; and/or,
 - the premises operating outside of the principles set out in the Council's Policy
- 52.3 Where a responsible authority, or any other person, intends to submit a review application, they are strongly advised to first contact the licensing team to discuss their concerns in advance of submitting their application. This is on the basis that the Council prefers to provide licence/certificate holders the opportunity to first enter into constructive discussions to secure compliance without recourse to a formal licence review where it is practical to do so. The Council will normally undertake a process of ensuring compliance by a licence/certificate holder through constructive discussions, an initial investigation by a Council officer, informal mediation and/or dispute resolution.
- 52.4 The above is the Council's preferred approach, however review applications may be submitted without first doing this, although this is discouraged.

Application process

- 52.5 The applicant must submit the application to the Council on the required form (the relevant form is available on the Council's website licensing@shropshire.gov.uk) with any supporting information and/or documents. Applications for a review may be submitted to the Council in writing, either on paper or by email.
- 52.6 If any part of the application form is incomplete the application will be rejected and returned to the applicant. The applicant will be informed of what is missing and requested to formally resubmit the whole application with that information included. No application will be processed until such a time as all the required information/documentation is provided.

- 52.7 On the same day the application is submitted to the Council, notice of the application, in the form of a copy of the application, should be given to premises licence/club premises certificate holder and to all responsible authorities. Failure to do so will halt the application process until notice is received by all parties.
- 52.8 The 28 day consultation period for a review of a premises licence/club premises certificate application begins on the first working day after a valid application is given to the Council. From this day, and for a period of no less than 28 consecutive days following this, the premises to which the application relates must display a notice (site notice) prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice will be provided by the Council to the premises. The Council will also advertise the review application at its main offices and on its website.
- 52.9 Representations to the application from the Responsible Authorities, or any other person, may be made at any time during the 28 day consultation period. Representations made about review of premises licence/club premises certificate applications must be 'relevant'. See paragraph 19 for further details on making representations.
- 52.10 At the end of the 28 day consultation period a hearing of the Licensing Act Sub Committee will be arranged to consider the application and any representations and determine it. See paragraph 53.0 about hearings and the Council's Hearing Guidance on the website. The purpose of the hearing will be to determine whether the Council should take any action in relation to the licence, namely:
- modify the conditions of the licence (adding, removing or amending);
 - exclude a licensable activity from the scope of the licence;
 - remove the DPS (for premises licenses);
 - suspend the licence for a period not exceeding three months;
 - revoke the licence (for premises licenses) or withdraw the certificate (for club premises certificates)
- 52.11 The licence/certificate holder, the applicant for review, any person who made representations and the Chief Officer of Police will be informed of the outcome of the review hearing as soon as reasonably practical. The licence/certificate holder, any person who made representations on the application and the person who applied for the review may appeal a decision in respect of a licence review. The decision of the Licensing Act Sub Committee will not have effect until the end of the 21 day appeal period which begins the day the parties are notified of the outcome of the hearing. See paragraph 14.0 in relation to appeals.

Summary Reviews

- 52.12 Under section 53A to 53D of the Licensing Act 2003, the Chief Officer of Police may apply for a summary review of a premises licence or club

premises certificate where they believe that the premises is associated with serious crime or disorder (as defined by the Act). On receipt of an application of this kind, the Council will follow the process as set out in the Act.

AMENDED CONSULTATION VERSION

53.0 Hearings

- 53.1 Where negotiation or mediation result in a mutually agreed change, which reduces or removes elements of what is requested by an original application, a hearing of the Licensing Act Sub Committee will still be required. If all parties are in agreement, there will be no need for a hearing which parties are expected to attend, but a Licensing Act Sub Committee will be appointed and a report of the mediated changes agreed to the application will be provided to them. The Committee will still be required to determine the application, but will do so in the knowledge that, based on the mediated changes, there is no challenge to the application.
- 53.2 Where relevant representations are made and not withdrawn, or a negotiated or mediated agreement cannot be reached (as above), a hearing of the Licensing Act Sub Committee will be required to determine the application.
- 53.3 Where an agreement is reached through negotiation or mediation which results in changes to the application which increases the scope of what was originally requested, the 28 day consultation period will be required to start again. Ordinarily, this will not require applicants to submit a new application, and pay the application fee again. The application will need to be re-advertised in the required manner, and sent to the Responsible Authorities again. It remains at the Council's discretion whether a new application, accompanied by the relevant fee, will be required in these circumstances.
- 53.4 See the Council's guidance on the hearing process on the website for details of how hearings are organised and take place.

PART 4

INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

Part 4 – Inspection, Compliance, Enforcement and Complaints

54.0 Summary

- 54.1 This part of the Policy sets out the principles that will be applied when the Council carries out the inspection of premises and when it institutes criminal proceedings in respect of specified offences under the Act.
- 54.2 This includes the principles that will be applied in respect of general compliance, enforcement and the manner in which complaints will be dealt with.
- 54.3 The focus of the Council's inspection, compliance and enforcement role is on ensuring the promotion of the licensing objectives and compliance with licence conditions.

55.0 Inspection, compliance and enforcement

- 55.1 The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates, ~~, having regard to relevant risk assessments.~~
- 55.2 Council officers may undertake inspection, compliance and enforcement activities for the purpose of assessing compliance under the Act and to determine whether an offence is being committed. In doing so, the Council's officers will work closely with other enforcement authorities to achieve compliance with the relevant legislation, licence/notice requirements and specific conditions of each licence/notice.
- 55.3 The Council will undertake all inspection, compliance and enforcement work in accordance with the Council's Better Regulation and Enforcement Policy (or such similar policy that may from time to time be adopted) which is available on the Council's website at <http://shropshire.gov.uk/shropshire-council/policies/>. The Better Regulation and Enforcement Policy sets out clearly the overall approach adopted by the Council towards inspection, compliance and enforcement. It also specifically sets out the principles by which the Council intends to manage all criminal investigations.
- 55.4 The Council recognises that combating the illegal provision of licensable activities is of significant benefit to the licensed community as the provision of illegal and unregulated licensable activities impacts upon the reputation of the licensed industry as a whole. The persistent and widespread existence of illegal licensable activities also reduces the incentive on operators to be correctly licensed.
- 55.5 Accordingly, where the Council uncovers evidence of illegal licensable activities taking place it will work in partnership with other enforcement

authorities to undertake criminal investigations into such activity with a view to prosecuting the individuals and companies responsible.

- 55.6 In relation to the prevention, investigation and prosecution of offences under the Act, and other offences related to licenses/notices, the Council will give priority, based on the level of risk posed to the licensing objectives, to crimes in which there is a greater risk of harm or exploitation to children and vulnerable persons.
- 55.7 Whilst breaching a licence condition is a criminal offence, the Council will default, in the first instance, to its regulatory rather than criminal powers when considering such a breach. However, where there are significant breaches of licensing conditions that satisfy the criteria for invoking criminal powers in accordance with the Council's Better Regulation and Enforcement Policy this will mean that the Council will investigate matters with a view to instituting criminal proceedings irrespective of whether it has used its regulatory powers or not.
- 55.8 The Council will abide by the statutory principles of good regulation and the Regulators' Code. Inspection and enforcement activities will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted, and promotes efficient and effective regulatory approaches that improve outcomes without imposing unnecessary burdens on business.
- 55.9 The Council will apply a risk-based approach to inspection and where relevant this will be informed by the Council's local area profile. Overall, it is the Council's intention to resource inspections of high-risk premises to a greater level than those deemed to be of a lower-risk. This will ensure that resources are more effectively concentrated on potential problem premises. However, inspections of lower-risk premises will be undertaken at an appropriate level in order to allow the Council to maintain a presence at such premises and to target controls on emerging risks.

56.0 Complaints

- 56.1 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Better Regulation and Enforcement Policy and will use complaint information to assist in the determination of licensing decisions and enforcement action.

57.0 Publication of information relating to the Council's regulatory functions

- 57.1 The Council will not normally publish details of the information found or the conclusions reached during its inspections and investigations. An exception may be made where there is speculation in the public domain and/or where those involved have made public statements which need to be responded to in order to avoid misconceptions arising.

- 57.2 The Council will normally publish details of all formal regulatory action taken under the Act. Such information will be published as soon as practicable after a decision has been taken, whether or not the decision is the subject of an appeal.
- 57.3 When investigating criminal matters, the Council will generally consider making a public announcement when suspects are arrested, when search warrants are executed, when charges are laid and at the conclusion of any trial. A public announcement may also be made at other stages of an investigation when this is considered appropriate.
- 57.4 The Council will, upon request, review any compliance or enforcement-related notices that are published on the Council's website in order to determine whether continued publication is appropriate, or whether publicity should be removed or amended.

AMENDED CONSULTATION VERSION

PART 5

CONSULTATION

AMENDED CONSULTATION VERSION

PART 5 – CONSULTATION

58.0 Formal consultation

- 58.1 Formal consultation was undertaken for a period of XX weeks between [...]. Details of the consultees are set out at paragraph X below.

[Full details of the consultation process will be added post consultation]

AMENDED CONSULTATION VERSION

PART 6

LICENSING CONTACT DETAILS

AMENDED CONSULTATION VERSION

PART 6 – LICENSING CONTACT DETAILS

59.0 Contact details

- 59.1 For information, advice and guidance relating to this Policy and licensing generally, please contact:

Licensing
Trading Standards and Licensing
Shropshire Council
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND
Tel: 0345 678 9026
Email: licensing@shropshire.gov.uk

- 59.2 Website: <http://www.shropshire.gov.uk/licensing/>

60.0 Licence Fee Payments

Telephone: 0345 678 9026

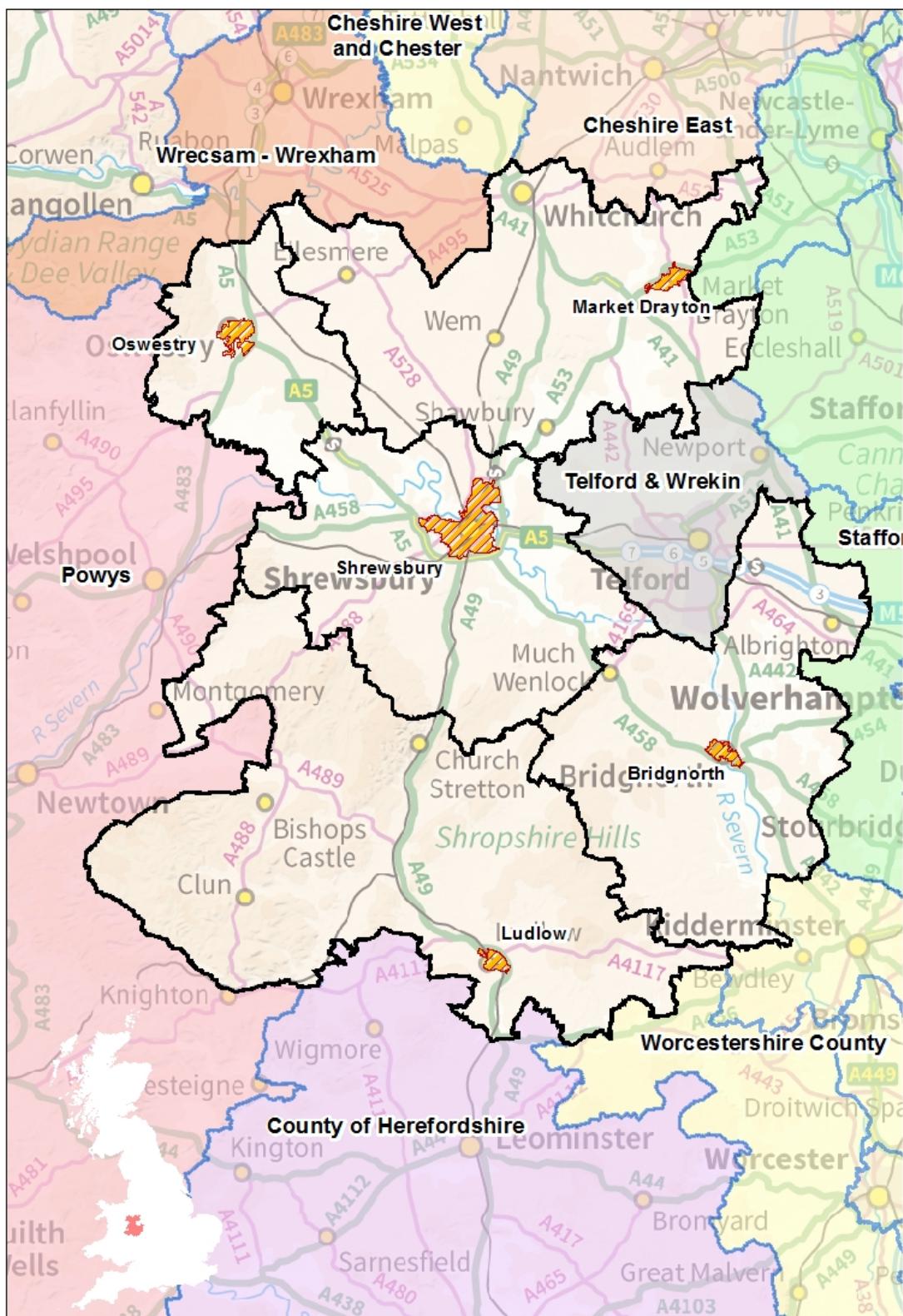
Online: <http://www.shropshire.gov.uk/pay-for/>

APPENDICES

AMENDED CONSULTATION VERSION

APPENDIX A

MAP OF GEOGRAPHICAL AREA OF THE ADMINISTRATIVE AREA OF SHROPSHIRE COUNCIL



Key

Yellow shaded area shows settlements of a population of over 10,000 people.

APPENDIX B

LOCAL AREA PROFILE

AMENDED CONSULTATION VERSION



PROBLEM PROFILE:

LOCAL AREA PROFILE – LICENSED PREMISES

AUTHOR:

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PUBLIC PROTECTION OFFICER - INTELLIGENCE

CREATED DATE:

15 MARCH 2018 - **DRAFT**

VERSION	DATE
V1	15.03.18

Trading Standards, Licensing and Regulatory Services

Public Health

Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. Tel: 01743 258765

- **INTRODUCTION**

One of the key pieces of legislation enforced by licensing authorities in England and Wales is the Licensing Act 2003 which regulates the sale and supply of alcohol, the provision of entertainment, and the provision of late night refreshment.

The authority is divided into two parts;

- Premises Licence – includes on and off licences and details the times and conditions under which alcohol can be sold.
- Personal Licence – allows individuals to sell alcohol or authorise the sale.

The licensing process focuses on 4 key objectives of the Act, which include;

- Prevention of crime and disorder
- Promotion of public safety
- Prevention of public nuisance
- Protection of children from harm.

All applicants must serve notice on Responsible Authorities and evidence that they can satisfy these key objectives. Applications may be subject to representation, and in the event of an objection(s) to the licence that cannot be resolved through negotiation with the applicant a hearing is held to determine the outcome.

The Licensing Act 2003 requires the licensing authority to develop, consult on and publish a statement of licensing policy with respect to its licensing functions every five years in order to set out the approach to regulation and assist operators in terms of compliance. Shropshire Council are currently revising this statement ahead of implementation during 2019, and it is vital that this Policy reflects local issues in order to identify and reduce risks to the licensing objectives (outlined above). This requires an understanding of local trends and geographical areas of risk; therefore the need to develop a local area profile has been identified in order to inform and support the Statement of Licensing Policy.

- **AIM OF THE REPORT**

The following local area profile aims to summarise existing national research regarding alcohol-related harm, as well as providing a local evidence base regarding issues relevant to the licensing objectives and geographical areas of potential risk. Data from various sources will be utilised in order to provide an understanding of current and emerging issues in order to support the statement of licensing policy, as well as identifying issues that will need to be considered by operators during the application process.

The report will also serve to support the decision making process regarding future applications in order to minimise the risks associated with licensed premises. Ultimately the

findings will assist the Licensing Authority in terms of meeting the objectives and ensuring the specific needs of local communities are considered and vulnerable groups are protected.

Please note, sensitive and confidential data has been removed from this version of the profile in order to allow for dissemination outside of Shropshire Council; therefore not all datasets referred to are included. If you require the official-sensitive version of the report please contact the author.

- BACKGROUND: EXISTING RESEARCH – ALCOHOL RELATED HARM

Addressing the harm caused by alcohol misuse is a priority for Public Health England (PHE), and a key theme of the four licensing objectives. Alcohol is a major cause of ill health and is the leading risk factor for deaths among men and women aged 15-49 years in the UK³². However, the harm alcohol causes is much wider than the individual drinker; alcohol misuse can have a detrimental social, emotional and economic impact on communities.

Evidence indicates that 27% of men and 13% of women (an estimated 10.4 million people) in England drink alcohol in a way that presents increasing risk to their health and wellbeing³³. The table below displays consumption data, as well as alcohol related hospital admissions and mortality rates for Shropshire, allowing for national and regional comparisons;

INDICATOR	Period	England	West Midlands	Shropshire
Volume of pure alcohol sold through the off-trade	2014	5.5	5.1	5.3
Percentage of adults who abstain from drinking alcohol	2011 - 2014	15.5	16.6	8.6
Percentage of Adults drinking over 14 units of alcohol a week	2011 - 2014	25.7	25.7	19.3
Hospital admissions for alcohol related conditions	2016/17	2185	2345	2005
Hospital admissions for alcohol specific conditions	2016/17	563	543	402
Hospital admissions for alcohol specific conditions - Under 18's	2014/15 - 16/17	34.2	28.5	26.9
Alcohol Related Mortality	2016	46	50.1	40
Hospital admissions for mental and behavioural disorders due to use of alcohol	2016/17	367	333	263
Hospital admissions for intentional self-poisoning by and exposure to alcohol	2016/17	46.7	46.8	36.3
Hospital admissions for alcohol related unintentional injuries	2016/17	141.6	132.8	130.4

Figure 1: Local Alcohol Profiles, Public Health

³² Adults – alcohol JSNA support pack 2017-18

³³ Alcohol: applying All Our Health, PHE Feb 18

Of note, in Shropshire during 2016/17, there were 4,457 admission episodes for alcohol related conditions involving males, as compared to 2,502 involving females. However, for females the rate of admissions per 100,000 is closer to the national rate. Overall admissions have consistently increased since 2014/15. Hospital admissions for alcohol specific conditions indicate that 842 episodes during 2016/17 involved male patients, as compared to 446 episodes involving females.

In addition to the obvious health impacts, the economic impact nationally is estimated to be £21 billion;

- £11 billion - alcohol related crime
- £7 billion – lost productivity through unemployment and sickness
- £3.5 billion – cost to the NHS

Nationally there has also been a shift in the way alcohol is consumed which presents a challenge to the Act in terms of promoting behaviour change amongst those groups who cause the most significant alcohol related harms. For example, people are visiting pubs less frequently; more than two-thirds of all alcohol sold is through the off-trade³⁴. Such trends suggest more alcohol is consumed within the home which has potential implications in terms of domestic violence and child protection issues, as opposed to public place stranger violence.

Alcohol related harms are therefore impacted by both consumption patterns and social factors. In order to explore trends at a local level, the remainder of the profile will focus on key demographic and socio-economic datasets in order to provide an evidence base in support of the four key licensing objectives. High risk localities across the County will be identified regarding individuals experiencing alcohol related harm, as well as areas recording a higher rate of problematic alcohol related issues. The data has been mapped against ward boundaries, with the location of licensed premises also displayed in order to identify geographical areas of risk and correlations with specific criteria.

- LICENSED PREMISES: SHROPSHIRE OVERVIEW

Nationally, a considerable body of evidence exists to suggest that alcohol outlet density is related to alcohol consumption and alcohol-related harm. It is also an indicator of availability and exposure to alcohol³⁵.

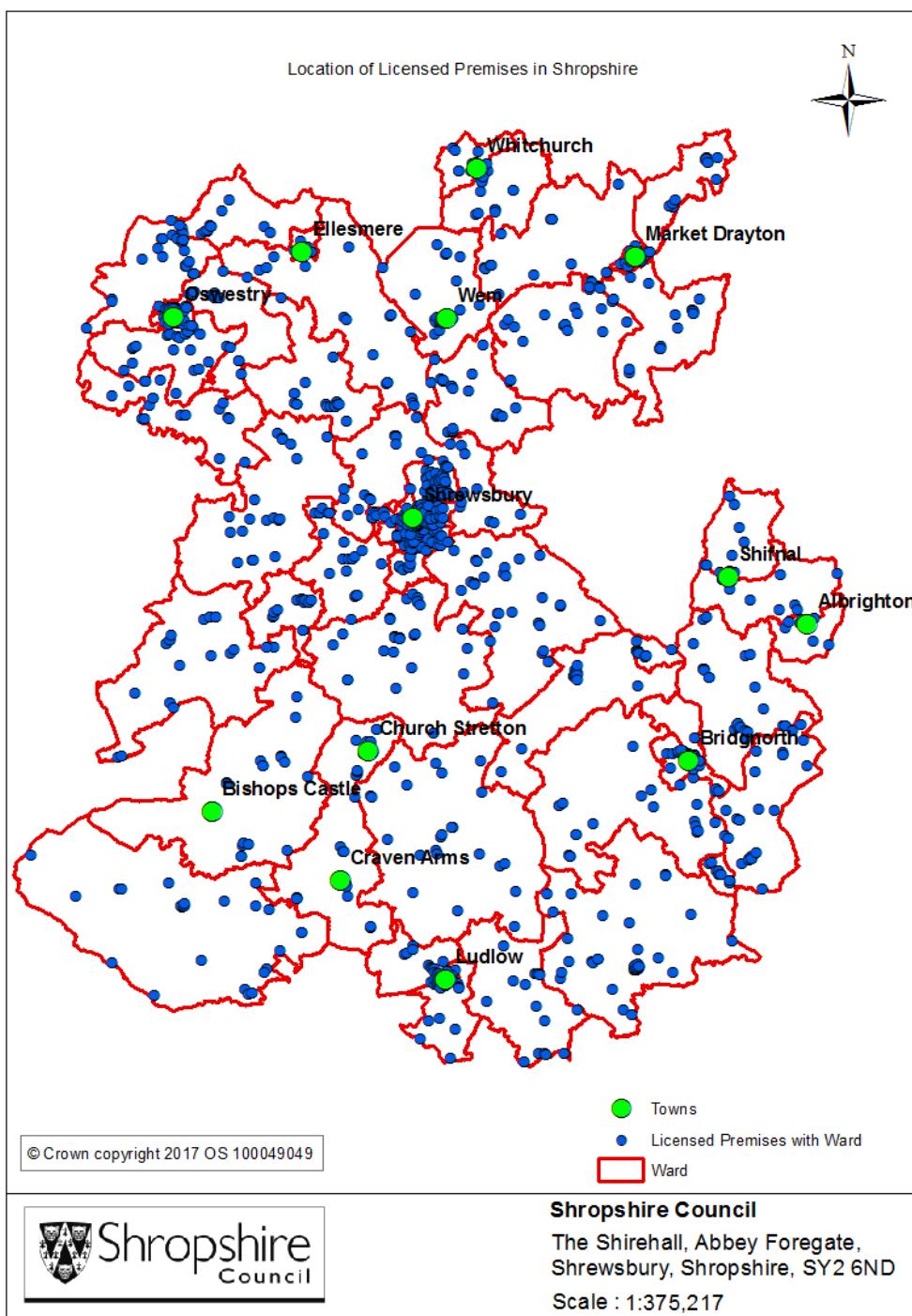
Shropshire currently licence 1651 premises for the sale of alcohol and late night refreshments; this includes on and off licensed premises. The night time economy in Shropshire is predominantly centred on the main market towns of Shrewsbury, Oswestry, Whitchurch, Bridgnorth and Ludlow; areas which offer a variety of pubs, bars, restaurants, fast food outlets and nightclubs. A vibrant and diverse night time economy can provide many benefits to the community, however alcohol related issues can also prove problematic if activity is

³⁴ The Licensing Act 2003: post-legislative scrutiny, Nov 17

³⁵ PHE Local Alcohol Profiles for England, March 17

unregulated³⁶. It is vital to minimise any negative impact from licensed premises whilst also encouraging economic diversity and prosperity.

The map below displays the location of licensed premises across Shropshire, and indicates cluster sites in the main county towns, with a higher concentration of premises in the Shrewsbury and Atcham district;



³⁶ Strategy to Reduce Alcohol Related Harm 2016-2019

As illustrated, the highest number of premises are located in Shrewsbury which is the key centre for entertainment. At a lower geographical level, the tables below identify the number and rate of licensed premises for the top 5 hotspot wards;

WARD	TOTAL
Quarry and Coton Hill	173
Bridgnorth East and Astley Abbotts	76
Oswestry South	76
Ludlow North	71
Church Stretton and Craven Arms	54
Whitchurch North	47

Figure 2: Number of premises per ward

WARD	RATE PER 1000 POPN
Quarry and Coton Hill	38.13
Ludlow North	19.08
Oswestry South	17.43
Bridgnorth East and Astley Abbotts	11.22
Bishop's Castle	10.92

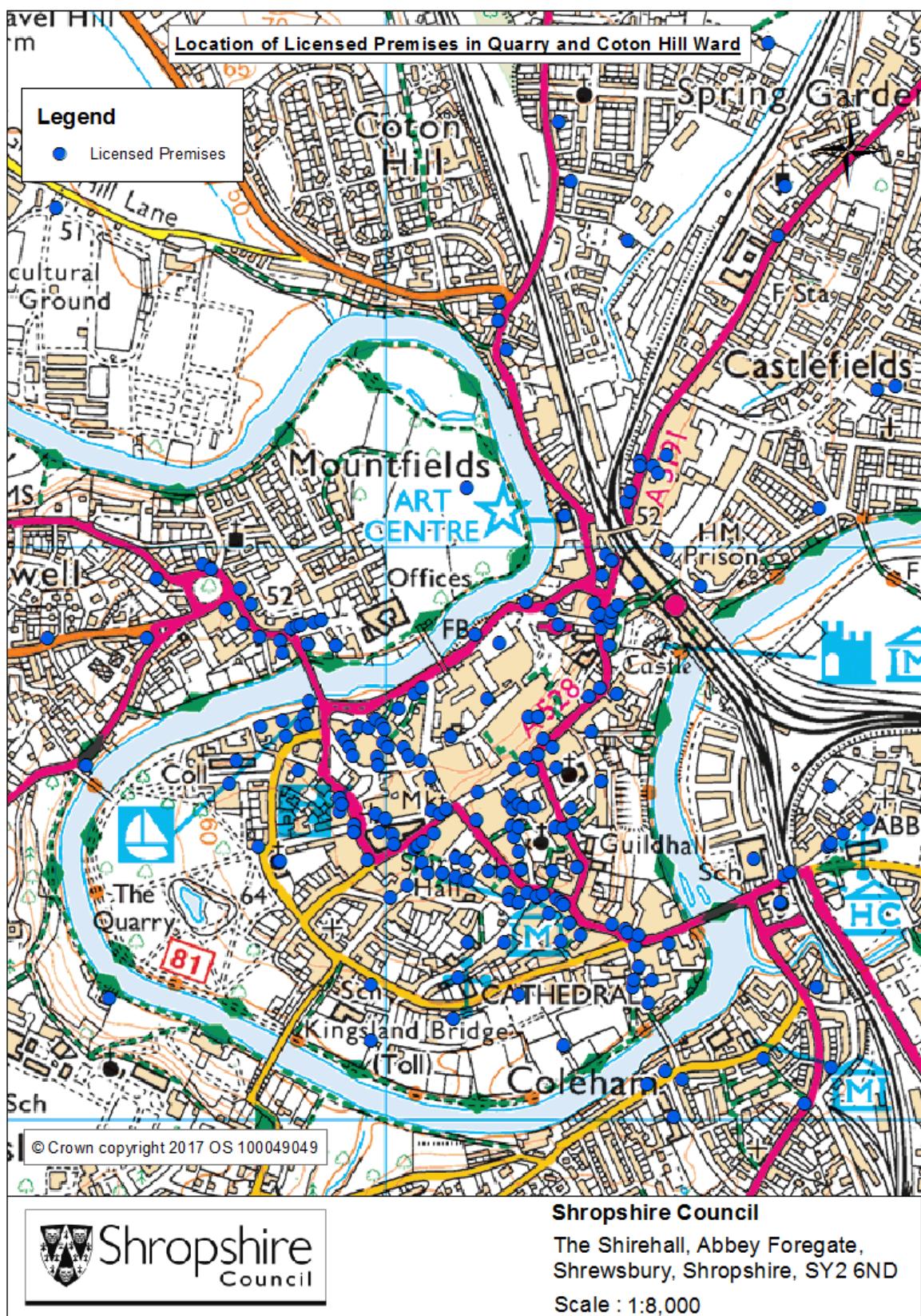
Figure 3: Rate of premises per 1000 population

Key findings: Both the highest number and rate of premises per 1000 population are located in Quarry and Coton Hill ward in Shrewsbury. This ward encompasses Shrewsbury town centre; it is predominantly urban in nature and densely populated. The ward provides a wide range of shops, entertainment venues and other amenities. 1,011 businesses are based in this particular ward³⁷, creating 7,800 jobs.

The map overleaf displays the concentration of premises licensed for the sale of alcohol and late night refreshments within the Quarry and Coton Hill ward.

Licensed premises in Shropshire are routinely monitored to ensure compliance with the four licensing objectives. Intelligence led visits are conducted at new licensed premises, or following changes to the designated premises supervisor. During 2016/17, 66% of new licensed premises were visited, and 82% of new designated premises supervisors. In addition 91 routine inspections were completed. Problems or concerns with licensed premises are identified at the earliest opportunity, and in the first instance advice is offered to the licensee in order to improve standards at the premises. If problems persist, a hearing may be held. During 2016/17, 5 hearings were held indicating the success of early intervention.

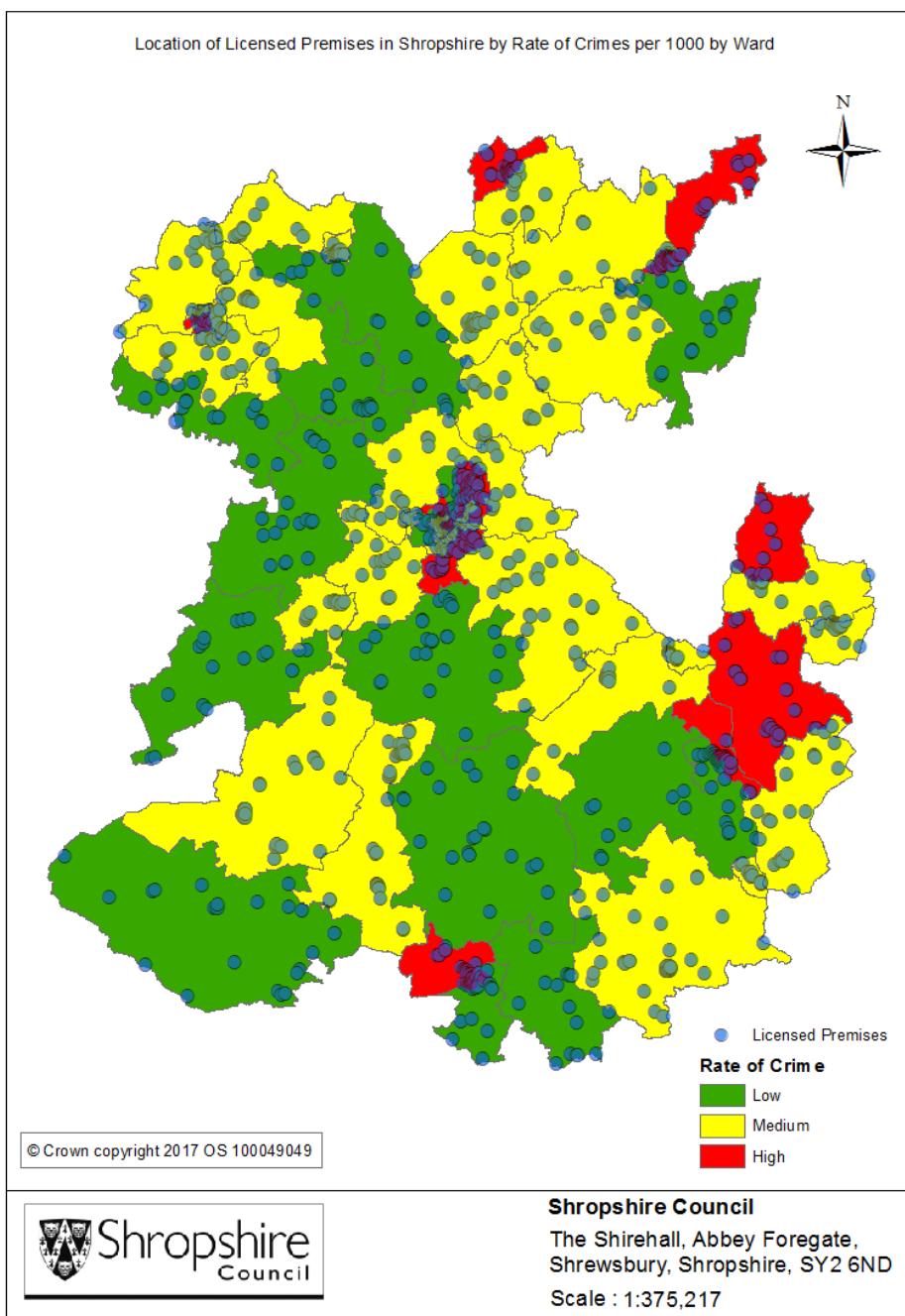
³⁷ MINT, 2015



- PREVENTION OF CRIME AND DISORDER

Objective 1 of the Licensing Act focuses on the prevention of crime and disorder. Alcohol can often be a causal factor leading to crime and disorder, impacting on the safety of those in the wider community and increasing fear of crime levels. In order to identify hotspot areas, and any correlation with the location of existing licensed premises, crime and anti-social behaviour data has been analysed for the period April 2015 – March 2017.

The map below displays the location of licensed premises, alongside the rate of crimes per 1000 population by ward in Shropshire;



Appendix B1

The tables below identify the top 5 hotspot wards with regard to both the number of rate of recorded crimes;

WARD	NO. OF CRIMES
Quarry and Coton Hill	1985
Oswestry South	1312
Bayston Hill, Column and Sutton	1212
Market Drayton West	956
Harlescott	931

Figure 4: Number of crimes per ward

WARD	RATE PER 1000 POPN
Quarry and Coton Hill	437.51
Oswestry South	300.85
Harlescott	188.31
Ludlow North	177.86
Sundorne	166.71

Figure 5: Rate of crimes per 1000 population by

Key findings: Quarry and Coton Hill has been identified as the hotspot ward in relation to recorded crime. As outlined previously, this ward encompasses Shrewsbury town centre and therefore includes a wide range of amenities including retail and commercial premises. A higher number of licensed premises are also located in this particular ward, indicating a correlation with the night-time economy. Oswestry South and Harlescott also feature within the top 5 in relation to both crime volume and crime rate.

The findings of a large number of studies link violent incidents with alcohol consumption and the night-time economy. For example, the 2016/17 Crime Survey for England and Wales found that in 40% of all violent incidents the victim believed the perpetrator to be under the influence of alcohol. Alcohol related crime, and particularly violence, can have wider consequences for both personal health as well as the delivery of health services. It would be expected that alcohol related crime would be more prevalent in town centre locations with a higher concentration of licensed premises; however the consumption of alcohol is also likely to have an impact on domestic abuse trends and violence within the home. Therefore data regarding alcohol related crime, violence, and more specifically domestic abuse is also presented in order to identify higher risk localities.

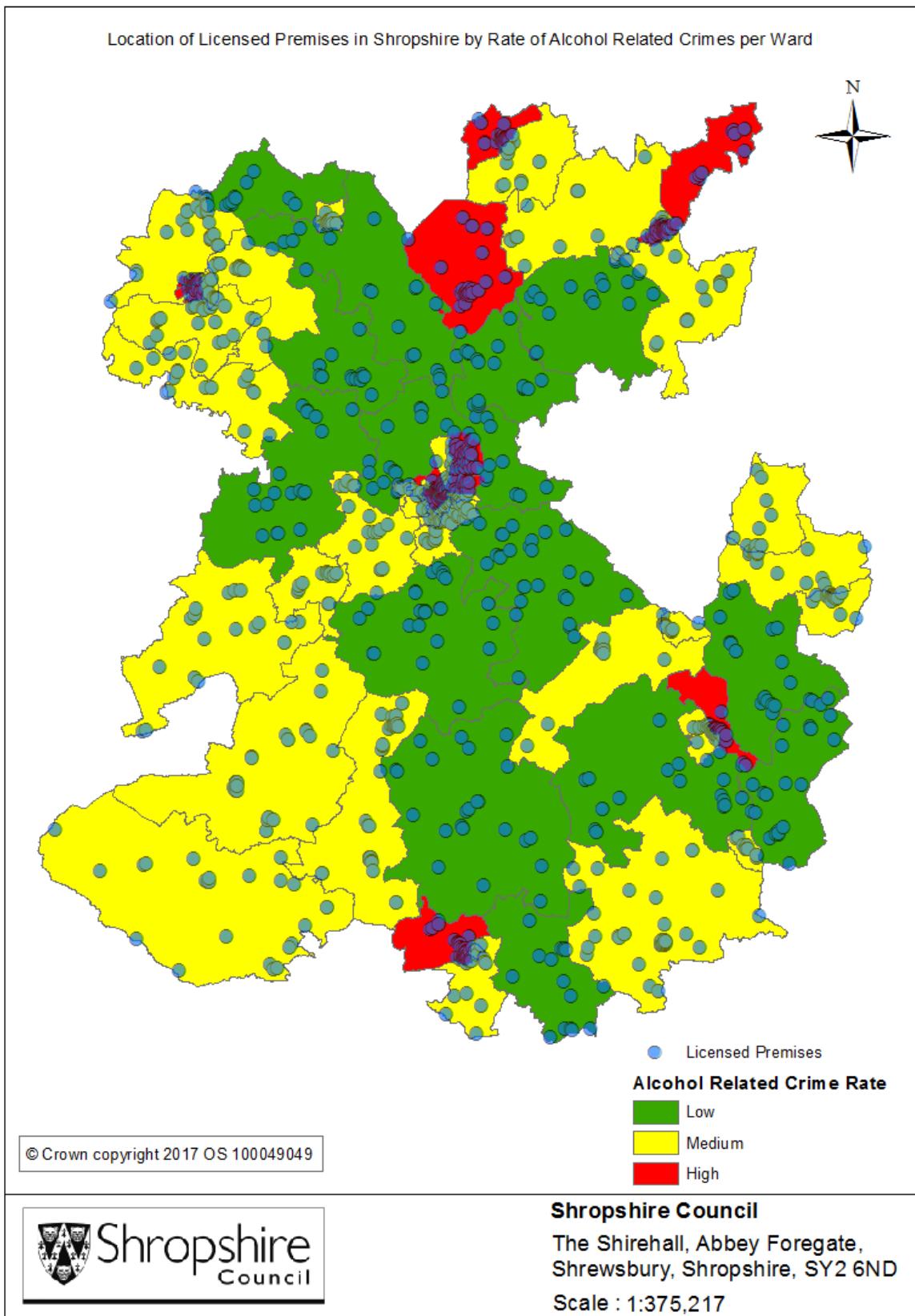
The map overleaf displays the location of licensed premises, alongside the rate of alcohol related crime per 1000 population by ward. If alcohol is deemed a contributory factor leading to a crime, an alcohol marker is attached to the record, therefore trends may differ from overall crime rates. The tables below identify the top 5 hotspot wards with regard to both the number of rate of alcohol related crimes;

WARD	TOTAL
Quarry and Coton Hill	544
Oswestry South	251
Whitchurch North	168
Bridgnorth East and Astley Abbotts	161
Market Drayton West	161
Castlefields and Ditherington	134

Figure 6: Number of alcohol related crimes per

WARD	RATE
Quarry and Coton Hill	119.90
Oswestry South	57.56
Ludlow North	31.43
Castlefields and Ditherington	28.94
Bridgnorth East and Astley Abbotts	23.77

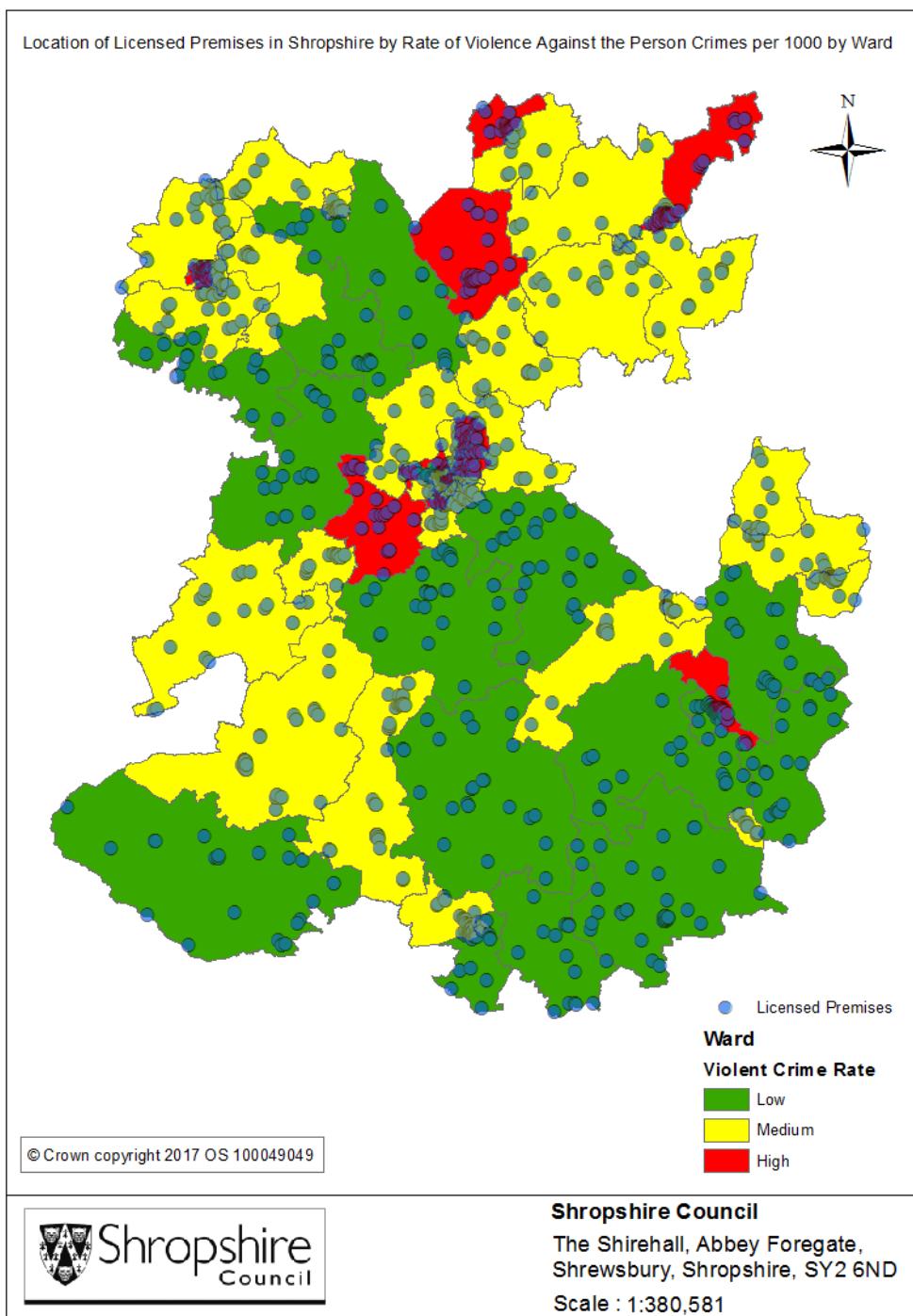
Figure 7: Rate of alcohol related crimes per 1000 population by ward



Appendix B1

Key findings: Again Quarry and Coton Hill ward features as the most problematic hotspot area in terms of both the number and rate of alcohol related crimes. More than double the number of crimes were committed in this ward in comparison to those recorded in Oswestry South, which is the second hotspot area in terms of volume.

The map below displays the location of licensed premises, alongside the rate of violent crime per 1000 population by ward in Shropshire;



Appendix B1

The tables below identify the top 5 hotspot wards with regard to both the number of rate of recorded violent crimes³⁸;

Ward	No. of Violent Crimes
Quarry and Coton Hill	644
Harlescott	349
Oswestry South	346
Market Drayton West	336
Oswestry East	317

Figure 8: Number of violent crimes per ward

Ward	Rate of Violent Crime per 1000 population
Quarry and Coton Hill	70.97
Oswestry South	39.67
Sundorne	37.02
Harlescott	35.30
Castlefields and Ditherington	30.02

Figure 9: Rate of violent crimes per 1000 population by ward

Key findings: Quarry and Coton Hill has again been identified as the hotspot ward in relation to violent crime, which correlates with overall crime trends. As illustrated previously, a higher number of licensed premises are also located in this particular ward. Harlescott and Oswestry South also feature in the top 5 with regard to both volume and rate.

The map overleaf displays the location of licensed premises, alongside the rate of domestic abuse offences per 1000 population by ward in Shropshire. The tables below identify the top 5 hotspot wards with regard to both the number of rate of recorded domestic abuse offences³⁹;

Ward	No. of Domestic Abuse Offences
Oswestry East	95
Market Drayton West	93
Castlefields and Ditherington	90
Whitchurch North	80
Quarry and Coton Hill	76

Figure 10: Number of domestic abuse offences per ward

Ward	Rate of Domestic Abuse per 1000 population
Castlefields and Ditherington	19.44
Quarry and Coton Hill	16.75
Sundorne	15.90

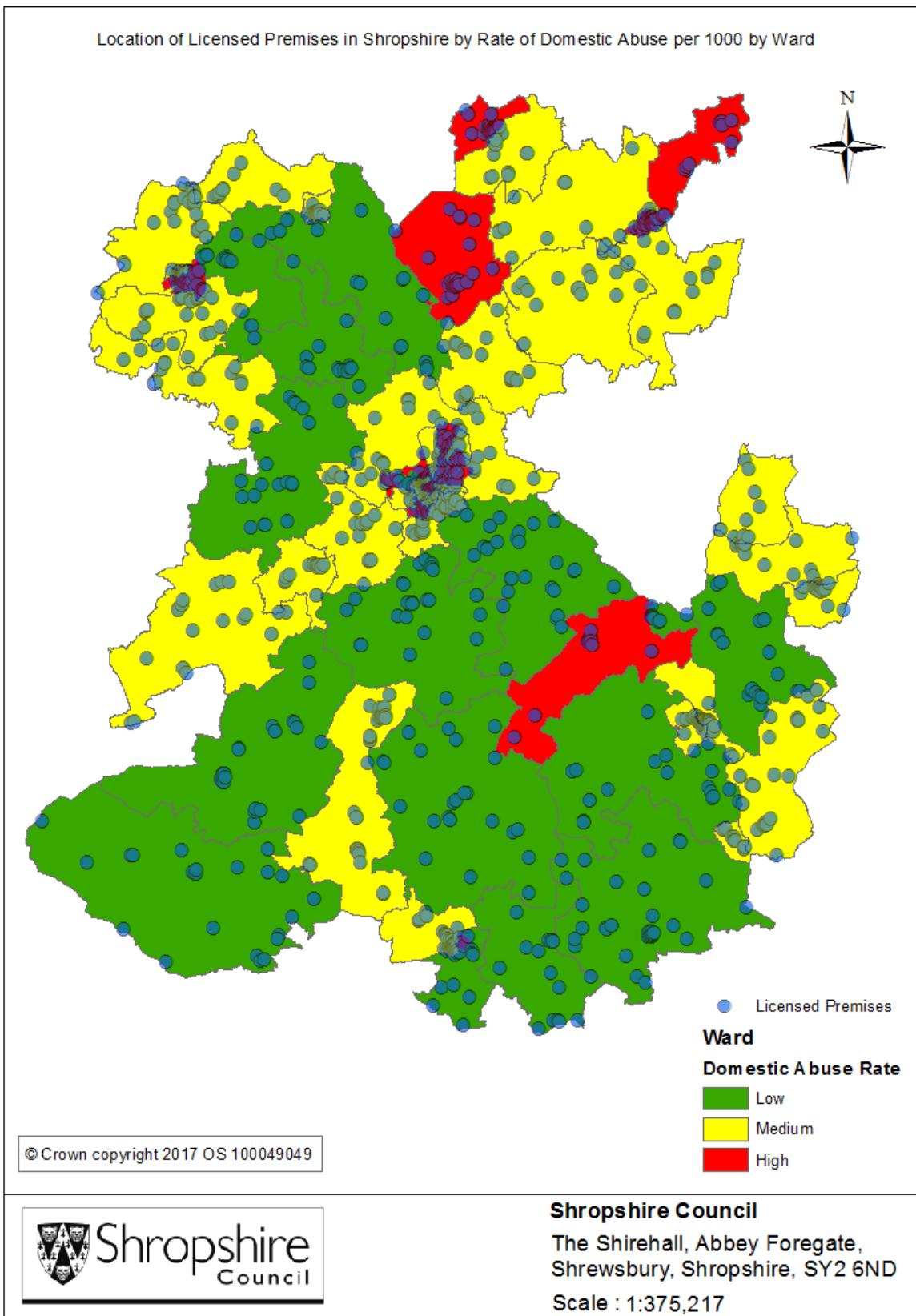
Figure 11: Rate of domestic abuse per 1000 population by ward

Key findings: As illustrated above, the highest number of domestic abuse offences were recorded in the Oswestry East ward; this area is predominantly urban in nature and densely populated. With regard to the rate of domestic abuse, Castlefields & Ditherington has been identified as the hotspot ward; this area is predominantly residential but in close proximity to Shrewsbury town centre. Of note, Quarry and Coton Hill ward still features in the top 5 hotspot areas in terms of both volume and rate.

³⁸ Violence Against the Person

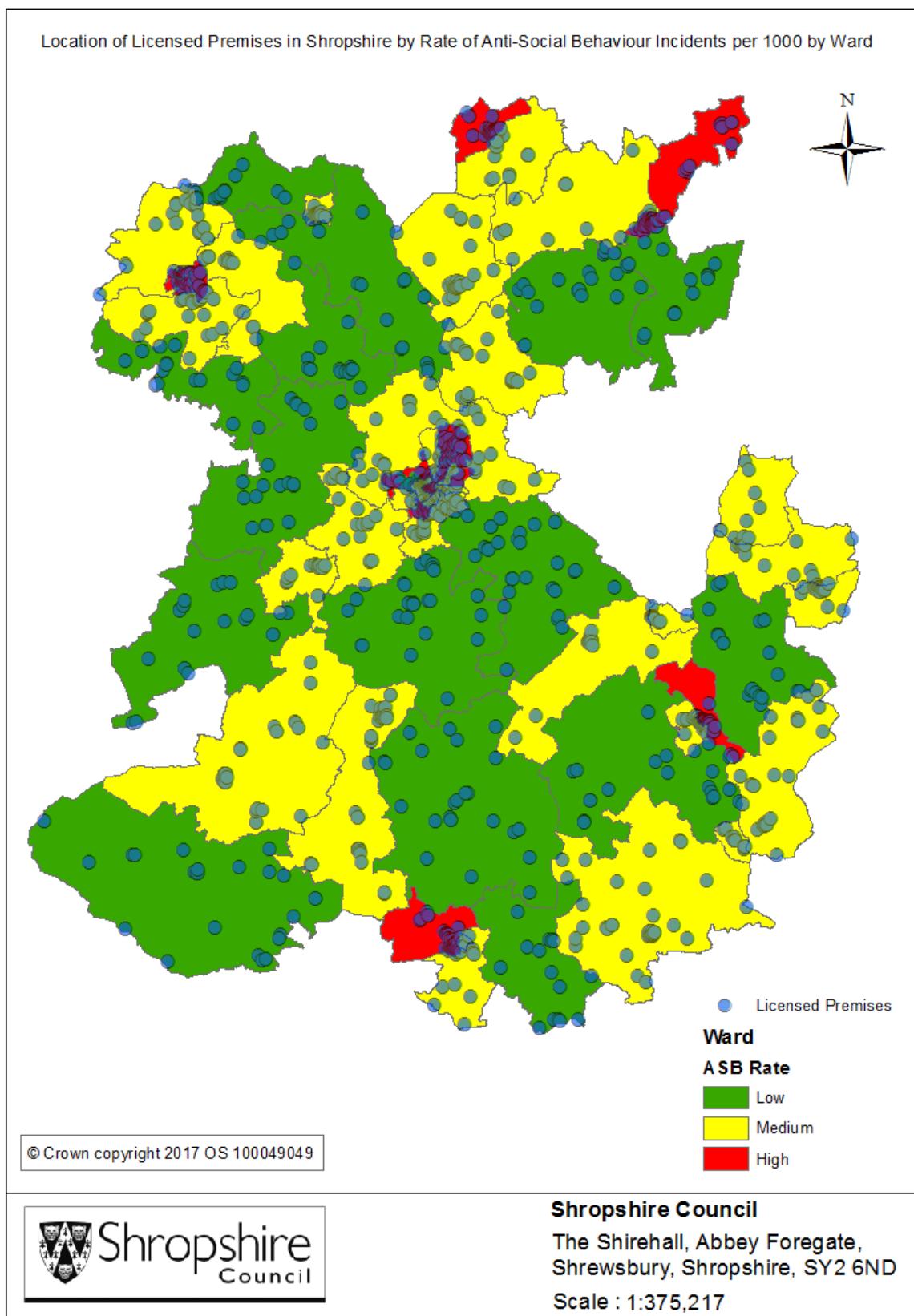
³⁹ 2016/17 data

Appendix B1



Appendix B1

The map below displays the location of licensed premises, alongside the rate of ASB incidents per 1000 population by ward;



Appendix B1

The tables below identify the top 5 hotspot wards in relation to the number and rate of ASB incidents;

WARD	NO. OF ASB INCIDENTS
Quarry and Coton Hill	1550
Harlescott	759
Oswestry South	683
Oswestry East	615
Market Drayton West	571

Figure 12: Number of ASB incidents per ward

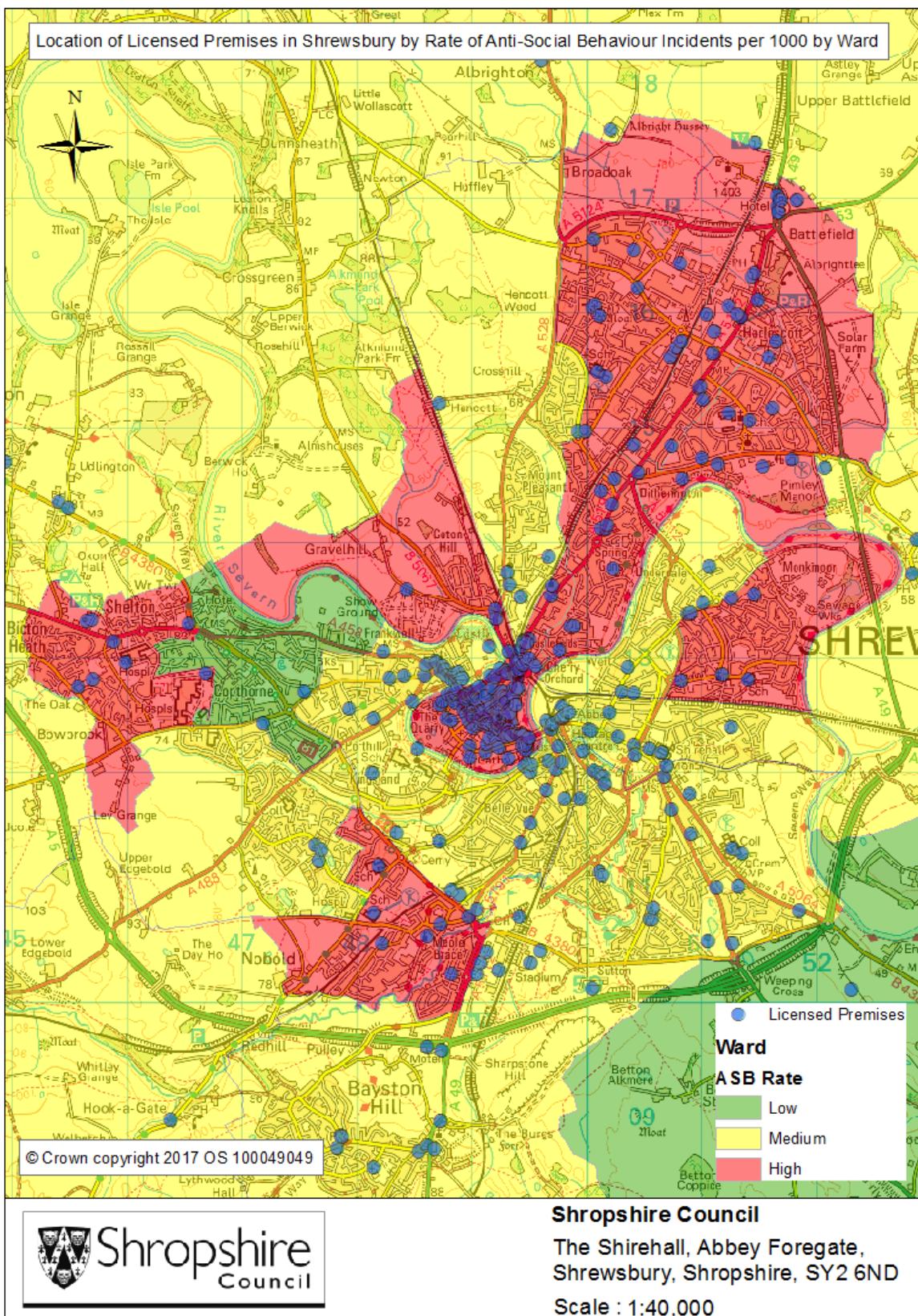
WARD	RATE PER 1000 POPN
Quarry and Coton Hill	170.82
Oswestry South	78.31
Harlescott	76.76
Sundorne	69.32
Castlefields and Ditherington	55.51

Figure 13: Rate of ASB incidents per 1000 population by

Key findings: Again, Quarry and Coton Hill has been identified as the hotspot ward in relation to ASB, primarily due to the nature of the town centre location. Harlescott, Sundorne, and Castlefields & Ditherington also feature within the top 5 hotspots regarding the rate of incidents per 1000 population; all areas are predominantly residential and located in the Shrewsbury and Atcham district. The map overleaf displays the Shrewsbury area in greater detail, in order to identify premises located within the hotspot wards detailed above.

Recommendation: With regard to future licence applications in relation to premises located in the wards identified above, ensure the required measures are in place to minimise the impact on increased crime and disorder levels; for example door supervision, adequate staffing levels, CCTV and other appropriate crime prevention tactics. Also consider the use of ASB powers to tackle any ongoing nuisance issues in the vicinity of existing licensed premises. Of note, a Public Spaces Protection Order is currently in place which covers the Quarry and Coton Hill ward and prohibits the consumption of alcohol in a public place in order to reduce alcohol related crime and anti-social behaviour.

Appendix B1



- PROMOTION OF PUBLIC SAFETY

As part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning⁴⁰.

Shropshire has a number of schemes and initiatives in place to ensure alcohol is sold responsibly, supporting the use of existing laws, regulations and controls available to all the local partners in order to minimise alcohol related harm. For example, Pubwatch schemes are currently in place in Shrewsbury, Market Drayton, Church Stretton, Ludlow and Oswestry. In addition schemes are in development in Shifnal & Albrighton, and Bridgnorth. Of note, the Shrewsbury Pubwatch scheme currently has 60 members. Shrewsbury also has Purple Flag status for the town's night time economy; this is a national award recognising excellence in the management of town and city centres after hours. The Purple Flag assessors described Shrewsbury as a 'very safe and secure town' and also commended the strong partnership approach to improving and responding to issues in town⁴¹.

Protecting those vulnerable to alcohol related harm is complex, as there is no clear definition regarding those at risk and there is currently a lack of evidence regarding social determinants. Social factors can result in health inequalities, however there has been little research examining the link with alcohol related issues. The location of drug and alcohol treatment centres are likely to draw vulnerable people into specific locations, and have therefore been considered at a local level in terms of the proximity to areas with a higher number of licensed premises.

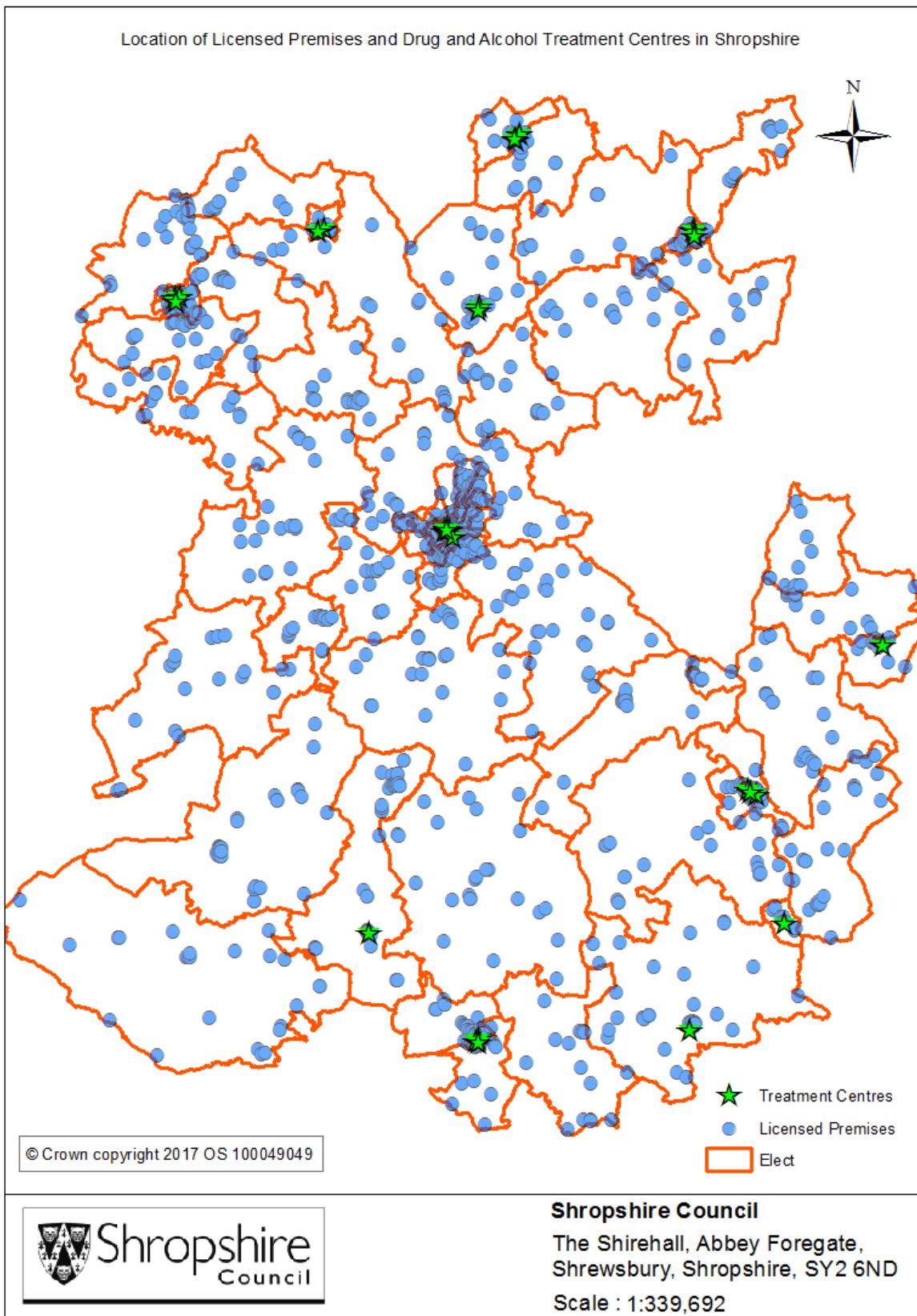
The map overleaf displays the location of treatment facilities⁴² in Shropshire, and their proximity to licensed premises;

⁴⁰ Amended Guidance Issued Under Section 182 of the Licensing Act 2003, October 2012

⁴¹ <http://www.originalshrewsbury.co.uk/news/purple-flag>

⁴² Includes needle exchanges

Appendix B1



Key findings: Oswestry South features as a hotspot area regarding the number and rate of licensed premises, as well as the number of treatment facilities (x4). 4 facilities are also located in Quarry and Coton Hill ward, which has already been identified as a hotspot area regarding the concentration of licensed premises, and rates of crime and ASB.

Recommendation: Premises licence holders should have clear policies and procedures in place identifying all public safety risks, alongside measures to prevent and manage those risks. The safety of individuals leaving the premises should also be acknowledged; for example promoting safe night-time transport options. Consideration should also be given to the location of licensed premises in areas with a higher rate of individuals vulnerable to alcohol related harm; for example, preventing the sale of alcohol to those already intoxicated.

- PREVENTION OF PUBLIC NUISANCE

Public nuisance retains its broad common law meaning within Licensing Act 2003, and the relevant issues predominantly concern noise nuisance, light pollution, odour and litter. The Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences⁴³.

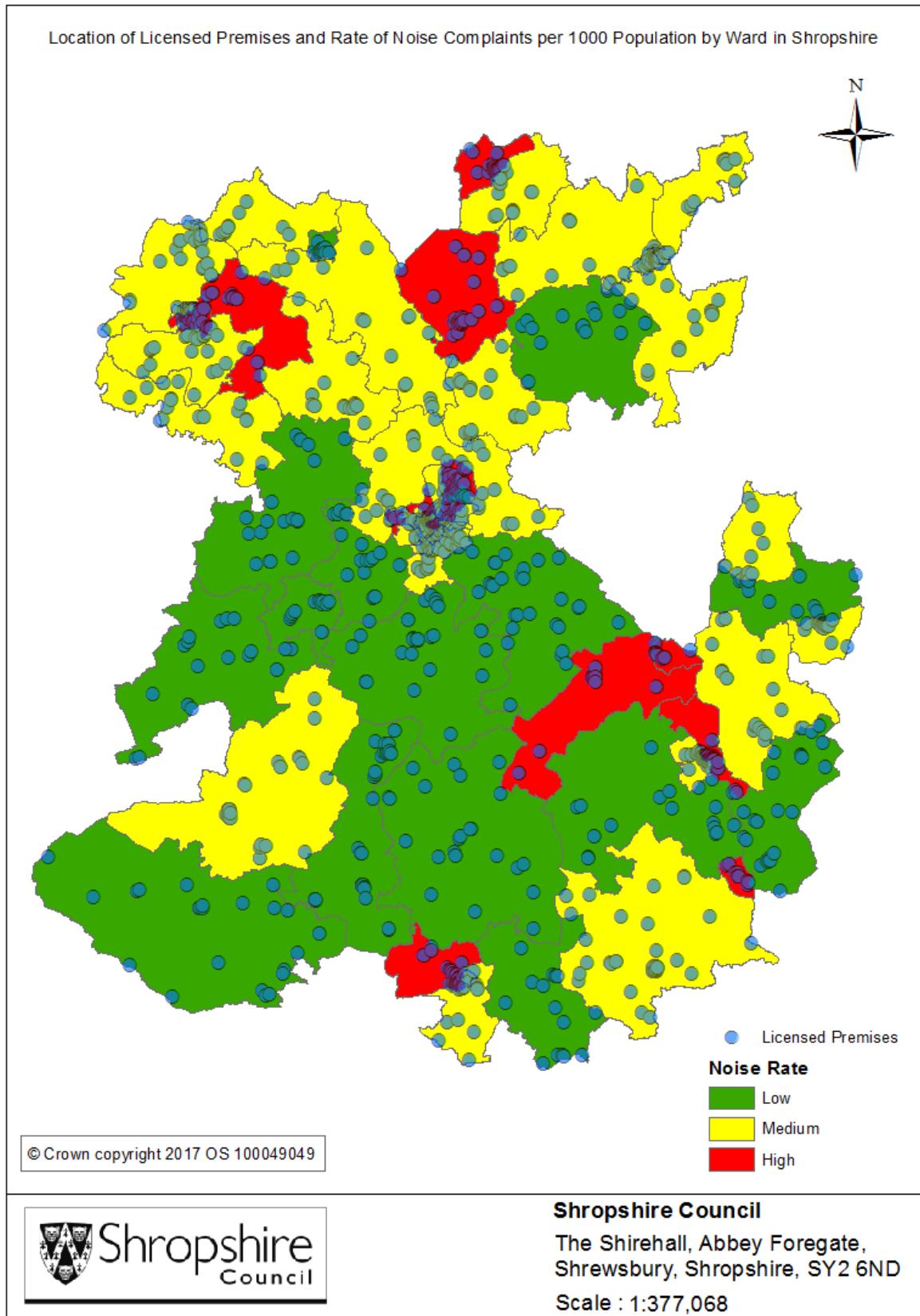
In order to identify hotspot areas and any correlation with the location of existing licensed premises, Regulatory Services noise and pollution complaints⁴⁴ have been analysed for the period April 2015 – March 2017. Noise complaints include both domestic and non-domestic reports, and pollution complaints include the following incident categories;

- Smoke
- Air Quality
- Accumulations and Deposits
- Light Nuisance
- Odour

The map overleaf displays the location of licensed premises, alongside the rate of noise complaints per 1000 population by ward in Shropshire;

⁴³ Amended Guidance Issued Under Section 182 of the Licensing Act 2003, October 2012

⁴⁴ Service Requests extracted from Uniform



Appendix B1

The tables below identify the top 5 hotspot wards with regard to both the number of rate of noise complaints;

WARD	TOTAL
Quarry and Coton Hill	92
Bridgnorth East and Astley Abbotts	61
Bayston Hill, Column and Sutton	61
Oswestry East	51
Wem	47
Harlescott	44

Figure 14: Number of Noise complaints per ward

WARD	RATE
Quarry and Coton Hill	20.28
Oswestry South	9.63
Bridgnorth East and Astley Abbotts	9.01
Harlescott	8.90
Ludlow North	8.87

Figure 15: Rate of Noise complaints per 1000 population by ward

Key findings: Quarry and Coton Hill ward has been identified as the primary hotspot area in relation to both the number and rate of noise complaints. As identified previously, this ward also contains the highest number of licensed premises and has recorded the highest rate of crime and anti-social behaviour.

The map overleaf displays the location of licensed premises, alongside the rate of pollution complaints per 1000 population by ward in Shropshire. In addition, the tables below identify the top 5 hotspot wards with regard to both the number of rate of pollution complaints;

WARD	TOTAL
Prees	24
Wem	22
Castlefields and Ditherington	21
Church Stretton and Craven Arms	21
Shifnal North	21
Whitchurch South	21
Cleobury Mortimer	20
Market Drayton West	19
Quarry and Coton Hill	19

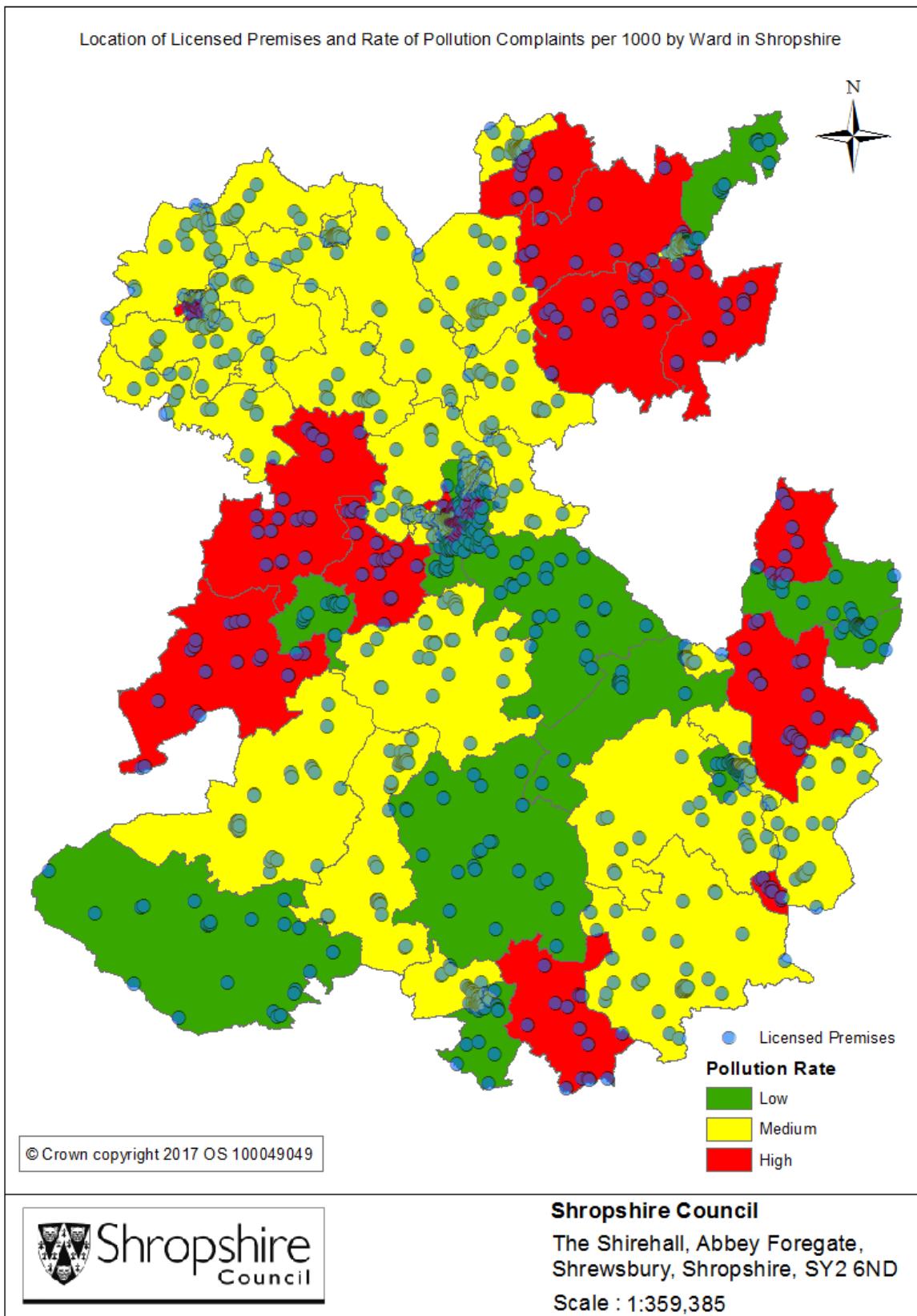
Figure 16: Number of Pollution complaints per

WARD	RATE
Prees	5.55
Whitchurch South	4.76
Castlefields and Ditherington	4.54
Shifnal North	4.44
Quarry and Coton Hill	4.19

Figure 17: Rate of Pollution complaints per 1000 population by ward

Key findings: As illustrated above, Prees has recorded the highest number and rate of pollution complaints during the review period. This ward is predominantly rural in nature, and is sparsely populated. Of note, Quarry and Coton Hill ward does feature within the top 5 hotspot areas regarding both the number and rate of complaints.

Recommendation: Consideration should be given to applications for licensed premises in the identified hotspot areas already recording higher levels of noise and pollution complaints. Applicants need to evidence that additional premises will not contribute to existing issues, and cause a public nuisance for local residents.



- PROTECTION OF CHILDREN FROM HARM

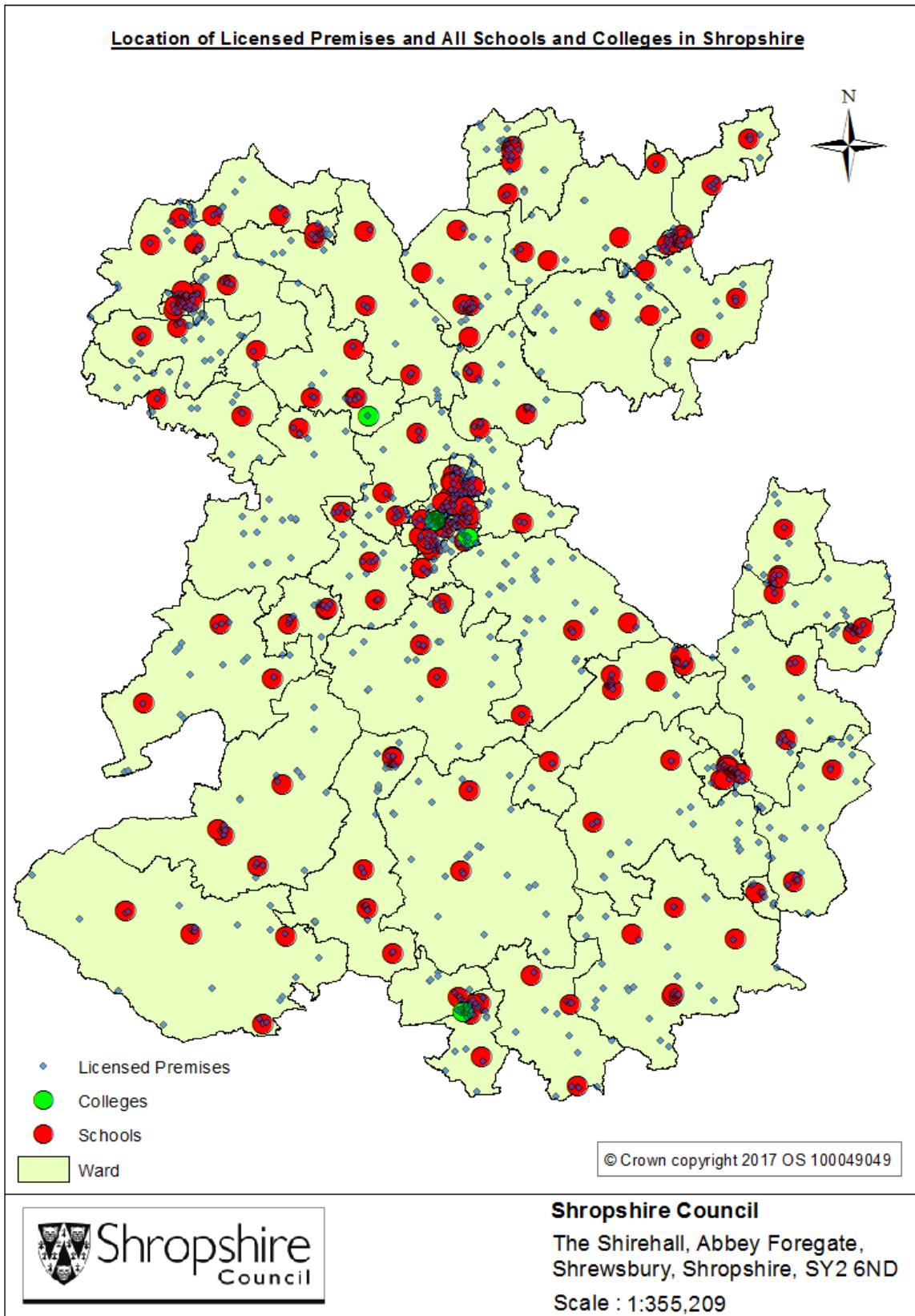
The fourth objective of the Licensing Act 2003 states that children should be protected from harm, and as such recognises young people as a vulnerable group. If someone is under the age of 18 it is illegal to sell them alcohol, to buy (or attempt to buy) alcohol, for an adult to buy (or attempt to buy) alcohol for them, or to drink alcohol in licensed premises. Premises licence holders must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. In addition, a number of licensed premises in Shropshire also adhere to best practise schemes such as 'Challenge 25' which require individuals who appear to be under the age of 25 to also provide ID.

According to the What About YOUTH survey conducted in 2014:

- 68.1% of 15 year olds surveyed in Shropshire stated that they had an alcoholic drink
- 7.1% reported having an alcoholic drink at least once a week.
- 16.4% reported that they had been drunk in the last four weeks.
- For all three drinking measures above, Shropshire's figures were higher than both the West Midlands and National averages.

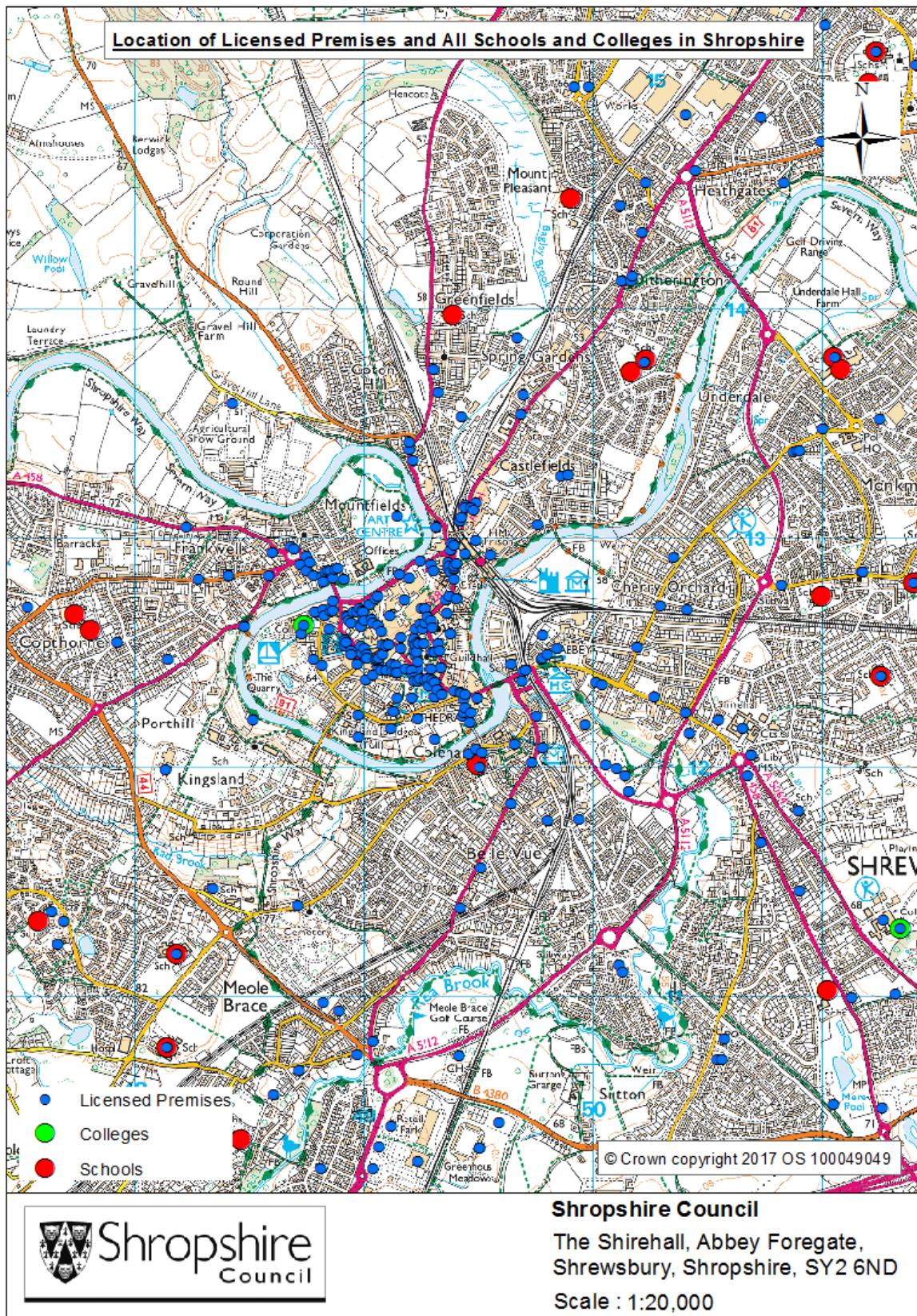
Intelligence led test purchase exercises are conducted across Shropshire in order to prevent the underage sale of alcohol from licensed premises. During 2017/18, 31 off licensed premises were visited which resulted in 5 sales, and 4 on licensed premises resulting in 2 sales.

Further consideration should be given to interventions which will ensure the prevention of underage drinking. Again the location of premises should be taken into consideration; for example the proximity to schools. In order to identify locations where younger people will be present in greater numbers at certain points of the day the maps overleaf display the location of all Shropshire schools and colleges alongside licensed premises, as well as the hotspot area in Shrewsbury at a lower geographical level.



Appendix B1

The map below displays the location of premises within the Shrewsbury cluster site;



Appendix B1

20% of the population in Shropshire are under 18, and 13% are of school age (aged 5-16 years). The table below displays the top 10 areas in relation to the rate of school children per 1000 population⁴⁵. The number of children by age is also provided;

AREA	Age 5	Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Age 13	Age 14	Age 15	Age 16	TOTAL 5-16	RATE per 1000 POP
Porthill	47	53	48	50	55	44	42	46	57	142	125	118	827	172.90
Sundorne	78	60	50	56	52	68	60	52	55	53	53	57	694	170.89
Copthorne	50	60	55	75	53	47	59	63	57	53	58	56	686	163.80
Underdale	55	65	55	74	67	42	61	48	58	53	61	68	707	160.35
Cheswardine	65	74	65	75	54	51	48	49	48	47	61	65	702	158.04
The Meres	49	52	58	52	48	58	37	62	67	67	99	124	773	156.00
Harlescott	67	78	69	74	69	56	60	67	67	49	63	54	773	155.47
Meole	38	49	48	45	57	61	66	54	73	58	61	53	663	154.15
Burnell	42	49	45	46	54	66	55	38	61	78	84	108	726	151.28
Monkmoor	61	69	52	62	48	43	51	59	57	55	55	55	667	149.42

Figure 18: Top 10 Areas - Rate of school aged children per 1000

Key findings: Porthill has the highest rate of school age children across Shropshire; the area is adjacent to the licensed premises cluster site in Quarry and Coton Hill ward and as such should be considered a risk area. Monkmoor has the highest number of schools across the County; however this ward does not feature within the top 5 hotspot areas regarding the number and rate of licensed premises. As outlined previously, the highest number of licensed premises are located in Quarry and Coton Hill ward; this area also contains Shrewsbury Sixth Form College, and Coleham Primary School is located just outside the ward border.

Recommendation: With regard to future licence applications in relation to premises located in the wards identified above, ensure the required measures are in place to prevent underage drinking and to protect young people from alcohol related harm; for example age restricted sales policies and door supervision.

⁴⁵ 2016 Population Estimates Mid-2016 National Statistics

- SOCIO-ECONOMIC FACTORS

INDEX OF MULTIPLE DEPRIVATION 2015

The Index of Multiple Deprivation (IMD 2015) is a nationally recognised measure of deprivation at the Super Output Area level. It measures deprivation in its broadest sense by assessing indicators relating to income, employment, health and disability, education, skills and training, barriers to housing and services, crime and the living environment⁴⁶. The IMD score is a measure of relative deprivation indicating socio-economic status, and therefore an important tool for identifying the most disadvantaged areas. This provides a useful indicator in terms of highlighting potential areas of risk in relation to alcohol-related harm, as greater deprivation is associated with higher rates of alcohol dependency.

The 2014 What About YOuth survey found deprivation was associated with rates of drinking amongst young people. However, in England, young people from the least deprived areas who were surveyed were more likely to have ever drunk alcohol compared with those surveyed who were from the most deprived backgrounds (70% compared with 50% respectively)⁴⁷.

The map overleaf displays the level of deprivation per ward across Shropshire, alongside the location of licensed premises. In addition the table below identifies the 5 wards across the County with the highest deprivation score;

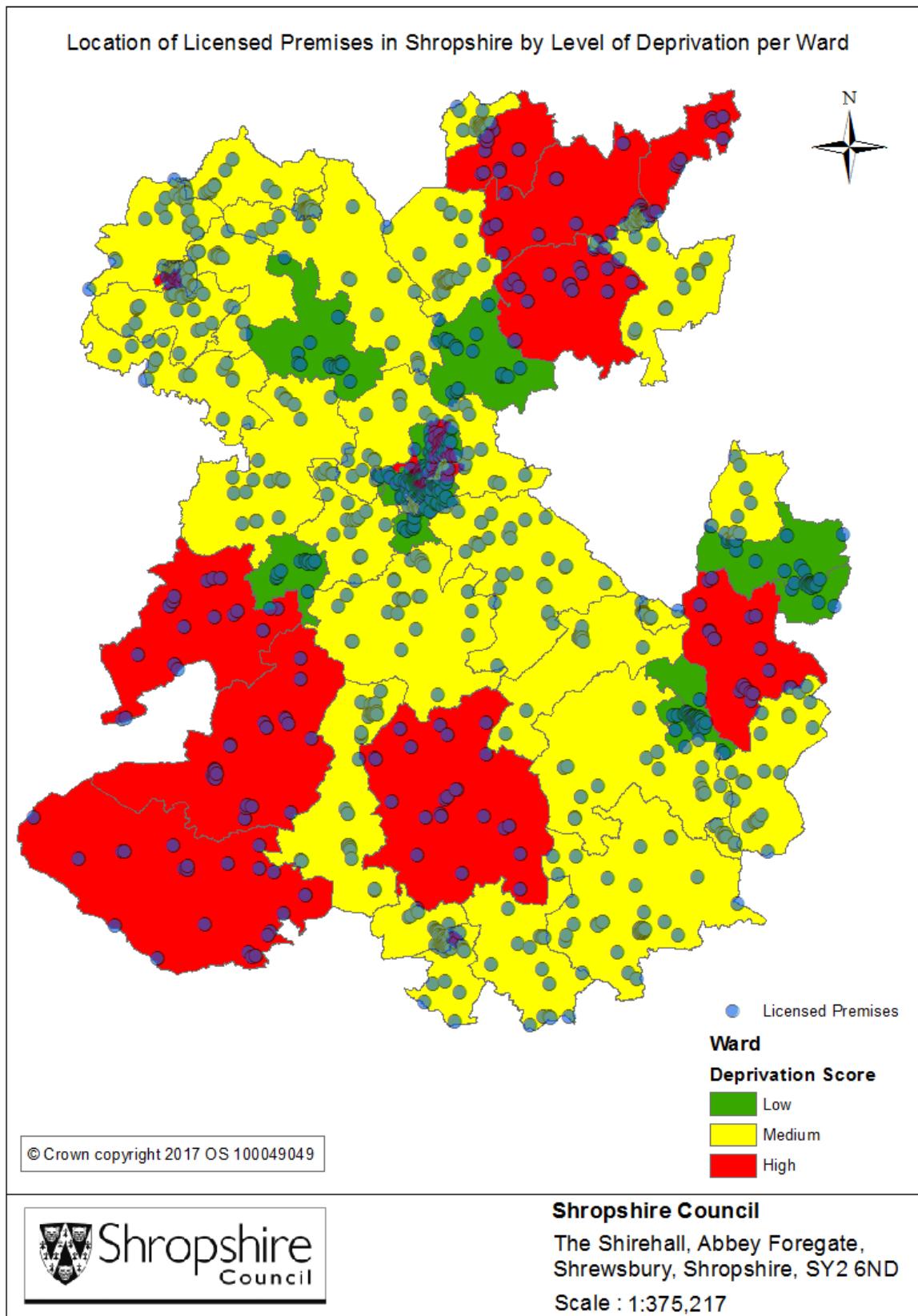
WARD	DEPRIVATION SCORE
Harlescott	28.01
Market Drayton East	27.77
Monkmoor	26.33
Oswestry South	25.34
Castlefields and Ditherington	24.93

Figure 19: Top 5 Wards – Deprivation Score

Key findings: 3 of the top 5 wards are located in Shrewsbury; as outlined previously Shrewsbury has the greatest concentration of licensed premises. Harlescott has the highest deprivation score, although this ward does not feature as a hotspot in relation to the number and rate of licensed premises it has been identified as a risk area regarding alcohol treatment rates. Oswestry South should be considered a risk area as this ward features in the top 5 hotspot wards in relation to number and rate of licensed premises, as well as deprivation score.

⁴⁶ The Index of Multiple Deprivation 2015 in Shropshire County; Shropshire Council

⁴⁷ Substance Misuse in Shropshire Needs Assessment 2015/16



UNEMPLOYMENT

Significant negative health impacts can arise as a result of unemployment, both for the individual and their families. This impact worsens when it involves alcohol misuse⁴⁸. Harmful drinking and the associated increased risk of mental health problems can make it harder for people with alcohol dependence issues to find work again.

Data regarding the number of economically active unemployed residents has been considered in order to indicate unemployment levels among resident populations. This data is based on the 2011 UK Census, therefore timeliness does pose a limitation, however used alongside the additional criteria provides a useful indicator. The table below displays the top 5 hotspot areas regarding the number of unemployed residents;

Ward	Unemployed
Oswestry East	304
Market Drayton West	246
Whitchurch North	221
Bayston Hill, Column and Sutton	198
Wem	197

Figure 20: Top 5 wards – number of residents unemployed (2011)

Recommendation: Research indicates that those living in deprived areas are more likely to experience health inequalities and as such are potentially more vulnerable to alcohol related harm. Consideration should therefore be given to future license applications for premises located in the areas posing a greater risk as identified above.

- CONCLUSION

Findings indicate that the highest number of risk areas are located within the Shrewsbury and Atcham district, which would be expected as this is the most densely populated area in Shropshire. At a lower geographical level Quarry and Coton Hill ward poses the greatest risk primarily due to the concentration of licensed premises, crime (including violence against the person) and ASB rates, as well as noise nuisance. Outside of Shrewsbury, a higher number of identified risk areas are located in Oswestry; of note, Oswestry South has the third highest number and rate of licensed premises across Shropshire.

The risk matrix displayed in appendix 1 details the ward areas across Shropshire posing the greatest risk, alongside the specific indicator. This allows for the identification of risk type; this maybe the location of certain premises, or the location of groups vulnerable to alcohol related harm. However, all areas outlined within the profile should be considered risk areas and future applications for licensed premises located in these wards should be evaluated in

⁴⁸ Health Matters: Harmful Drinking and Alcohol Dependence, PHE Jan 2016

line with the findings of this report in order to effectively manage and minimise the impact of alcohol in line with the 4 key objectives of the Licensing Act 2003.

- RECOMMENDATION

This profile provides a starting point in terms of identifying local risk factors requiring consideration in order to aid compliance with the 4 key licensing objectives. However, it is important to build on this profile via engagement with other partner organisations in order to enhance the range of local risk factors considered.

AMENDED CONSULTATION VERSION

APPENDIX C

**Safeguarding of
children, young people
and adults with care
and support needs**

**Modern slavery and
human trafficking**

Introduction

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child sexual exploitation, abuse, modern slavery and human trafficking.

General information

- 1.1 Shropshire Council's Licensing Service is helping to tackle child sexual exploitation, abuse, modern slavery and human trafficking by working together with key partners particularly West Mercia Police, Children and Adult Services within the Council, the Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. The Boards also work with the police, children's and adults social care, schools, health services and the youth offending team, as well as specialist child sexual exploitation organisations such as the child sexual exploitation National Working Group (NWG) Network.
- 1.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, modern slavery and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.
- 1.3 Sharing information with West Mercia Police and Children's and Adults Social Care helps to protect children, young people and adults with care and support needs from harm.

How licence holders can help tackle child sexual exploitation, abuse and modern slavery

- 1.4 Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licenses or other licensed premises. Licence holders, and staff employed in licensed premises are in an ideal position to help protect people.
- 1.5 Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

Child sexual exploitation

- 1.6 Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol,

cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

- 1.7 Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.
- 1.8 Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.
- 1.9 In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:
 - Does your customer appear to be under 18 years old?
 - Are they with a much older person and appear to be in a relationship?
 - Do you think that they are under the influence of alcohol or drugs?
 - Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late night takeaway?
 - Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

- 1.10 **If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported**
- 1.11 **If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101) and Children's Social Care (Tel: 0345 678 9021).**
- 1.12 Further information about Shropshire's Safeguarding Children Board can be found at: <http://www.safeguardingshropshireschildren.org.uk/>

Adults with care and support needs

- 1.13 An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

- 1.14 In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:
- Has your customer got any physical signs of abuse or neglect?
 - Are they a regular customer? Do you see changes in their behaviour or mood?
 - A customer tells you they are having difficulties with someone else
 - A customer tells you they have a worry about someone
 - A customer tells you they have hurt a person
 - A customer tells you something they have seen or heard
 - Do you know something that causes concern about someone else's welfare?
 - You see worrying behaviour towards someone
- 1.15 **If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.**
- 1.16 Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). Ideally, support the adult to take action to stop the abuse, if they need to raise a concern with Shropshire Council to help them stop the abuse support that person to contact the **First Point of Contact team on 0345 678 9044 Monday to Thursday, 9am to 5pm, and Friday 9am to 4pm.**
- 1.17 **If you have urgent adult safeguarding concerns outside of these hours, please phone the Emergency Social Work Duty Team on 0345 678 9040**
- 1.18 **In an emergency contact the police (999) or non-emergency 101.**

Modern slavery and human trafficking

- 1.19 Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.
- 1.20 In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:
- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
 - Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?

- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim under the impression they are bonded by debt, or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

- 1.21 Report something suspicious you spot to police or other authorities - it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.
- 1.22 If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.
- 1.23 **Modern Slavery Helpline:** 0800 0121 700
- 1.24 For **England and Wales**, please call our **24-hour confidential Referral Helpline** on **0300 303 8151** anytime of the day or night to refer a victim of trafficking or receive advice.

APPENDIX D

EVENING AND NIGHTIME ECONOMY GUIDANCE

LICENSING AND PLANNING CONSIDERATIONS

Evening and Night Time Economy – Guidance

Licensing and Planning Considerations

Introduction

This guidance has been produced to explain how the regulatory licensing and planning regimes are applied in Shropshire in relation to the evening and night time economy.

The document is for guidance purposes only as it currently has no formal status in either regime.

For the purposes of this document, the Evening and Night Time Economy is the provision of retail facilities, entertainment, food and drink usually in a social setting. This includes the ‘retail offer’ of:

- retail development (including shops, warehouse clubs and factory outlet centres);
- leisure facilities;
- entertainment facilities (including cinemas, restaurants, cafes, drive-through restaurants, bars and pubs, night-clubs, betting shops, bingo halls, casinos, health and fitness centres, and indoor bowling centres);
- offices;
- arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities) and;
- mixed-use within existing and new premises (e.g. combined book shop, library and cafés).

This guidance considers two regulatory processes which together impact on the night time and evening economy. The use of land or buildings is considered through the planning system and licensable activities on land or in buildings are considered through the licensing system.

For the purposes of this guidance the licensing regime refers to the authorisation or permission given under the Licensing Act 2003 (the Act) for the:

- the sale of alcohol;
- the supply of alcohol in relation to ‘private members clubs’;
- the provision of regulated entertainment (plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, dance); and
- supply of hot food/drinks from takeaway food outlets and night cafes (late night refreshment).

This takes the form of a premises licences, club premises certificates, temporary event notices and personal licences.

For the purposes of this guidance the planning regime (policy and permissions) is determined under the Town and Country Planning Act 1990 (as amended) and associated legislation and planning policy including the development plan and other material considerations.

The two regimes are legally distinct from one another but may have regard to similar issues. Consequently in applying for a licence or planning permission it is important to be aware of and comply with any restrictions imposed by the other regime.

This guidance does not, in any way, give a presumption that any licence or planning permission will be granted for any of the activities or uses identified.

Aims of this guidance

To inform those interested in both planning and licencing regimes of the scope of controls under each regulatory regime having regard to the following key matters:

- town centres and rural settlements are the heart of our communities;
- health and wellbeing of the people who live, learn, work and visit Shropshire;
- the transition between day, evening and night-time trading with shop opening hours increasing;
- responsible trading that takes account of the hours during which licensable activities operate;
- the provision for a cohesive environment;
- customer choice through a diverse range of recreational activities;
- a diverse retail offer which reflects the individuality of our communities;
- a reduction in traffic congestion/ pollution;
- cultural and social events to help entice workers to remain in the centre a little longer;
- the principle of mitigation so that the residual impacts of a proposal are acceptable in planning and licencing terms.

Licensing and planning process

Licensing	Planning
<p>The purpose</p> <p>To promote the four licensing objectives:</p> <ul style="list-style-type: none">• the prevention of crime and disorder• public safety• the prevention of public nuisance• protection of children from harm <p>which collectively seek to protect the quality of life for those who live and work in the vicinity of licenced premises and those who take part in the licenced activities</p>	<p>The purpose</p> <p>To take decisions in accordance with the development plan policies having regard also to relevant planning considerations.</p> <p>To promote sustainable development through frameworks and policies: sustainable means change for the better and development means growth</p> <p>There are three dimensions to sustainable development that need to be considered</p>

	<p>together through the planning system:</p> <ul style="list-style-type: none"> • an economic role • a social role • an environmental role <p>These are described in further detail through national policy in the National Planning Policy Framework</p>
<p>Primary policy/guidance documents</p> <ul style="list-style-type: none"> • Shropshire Council's Statement of Licensing Policy 2019 to 2024 • Home Office guidance issued under section 182 of the Licensing Act 2003 	<p>Primary policy/guidance documents</p> <ul style="list-style-type: none"> • The Local Plan which comprises:-Core Strategy Development Plan) Document (DPD) – adopted in March 2011 with key strategic policies to maintain the vitality and viability of market towns across Shropshire (CS1, CS2,CS3); • The Site Allocations and Development Management (SAMDev) Plan this has specific policies for Town centre Development , Leisure, Tourism and Culture: • Neighbourhood Plans (to date Shifnal and Much Wenlock) • and; • Supplementary Planning Guidance • The Economic Growth Strategy • The Big Town plan (Shrewsbury) • National policy and guidance including the National Planning Policy Framework(NPPF) and the National Planning Practice Guidance (NPPG)
<p>Key principles associated with the application</p> <p>The onus is on the applicant to demonstrate:</p> <ul style="list-style-type: none"> • how they and/or their staff have sufficient expertise in the business roles relevant to the licence application which demonstrate an ability to understand and promote the licensing objectives • clear evidence that there is appropriate training for all staff with regard to the responsibilities under the Act and the adoption of industry wide good practice, which is supported by adequate management and supervision practices • detailed description of the nature of all 	<p>Key principles associated with the application</p> <p>The onus in the applicant to demonstrate:</p> <ul style="list-style-type: none"> • development is in accordance with the development plan policies and any other material planning considerations • details of the proposed development, works or change of use • existing and proposed floor and elevation plans • location of the site through relevant plans • how the proposed development is a suitable response to the site and its setting and that it can be adequately accessed by prospective users • the character and amenity of the

<p>activities/business, including non licensable activities, and how the business will operate e.g. business plan including number of people attending the premises, customer profile (including age of patrons and the potential for underage drinking) and hours of operation and hours of opening</p> <ul style="list-style-type: none">• clear evidence specifying the staffing structure, including details of key personnel and the Designated Premises Supervisor (DPS) and sufficient information to confirm that the DPS is actively the person in charge of the business• information that demonstrates that the physical characteristics (condition, design and layout) of the premises are suitable for the general operation of the premises and compatible with the licensable activities e.g. detailed floor plans, photographs and technical specifications relating to fixtures and fittings• evidence of the location of the premises and the nature of the surrounding area, including what is around the premises and the wider impact that the licensable and non-licensable activities may have e.g. physical environment crime and disorder hotspots, proximity to residential premises, proximity to areas where children may congregate potential for the misuse of drugs and abuse of alcohol including drunkenness and the potential for anti-social behaviour (This is not about proving demand for or lack of a particular type of premises or activity, rather demonstrating that licensable activity at the premises will not undermine any of the licensing objectives.)• sufficient information to demonstrate that the impact on the wider location has been properly considered to take account of the movement of people into and out of the area, including the potential impact on the transport network and provisions made to take	<p>existing area having regard to design, layout, landscape and prevailing uses</p>
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<p>account of this</p> <ul style="list-style-type: none"> • evidence of steps that will be taken that will have a positive impact on health and wellbeing for groups such as local residents and those who will participate in the licensable activities and on the environment e.g. litter and refuse collection times and clean-up costs. • identify all relevant local initiatives that may assist in promoting the four licensing objectives and mitigate potential risks e.g. taxi marshals, purple flag, pub watches, street pastors and local crime reduction initiatives • a clearly set out operating schedule that provides positive proposals that adequately addresses the anticipated impacts and risk posed to the local area and identifies the necessary conditions enabling appropriate control of the licensable activities <p>how their business priorities will enhance the wider community interest</p> <p>It is important that applicants sufficiently demonstrate how their business priorities will enhance the wider community interest and once a licence is granted that licensees demonstrate this in practice</p>	
	<p>The onus is on the Planning Service to determine the application against the Local Plan and other material planning considerations including primary policy/guidance documents (see above) and consultee responses</p> <p>Key considerations</p> <ul style="list-style-type: none"> • protecting, enhancing and conserving the historic built environment • protecting , enhancing and conserving the natural environment (ecology and biodiversity - green space and protected species) • transport and highways • surface and foul water drainage • size scale and mass • landscape and visual impacts • amenities of the area

	<ul style="list-style-type: none"> • market need sequential approach (subject to size/scale of the proposed development) for town centre development • Disability Discrimination Act
Mandatory conditions	Mandatory conditions
<ul style="list-style-type: none"> • There are a significant number of mandatory conditions provided in the Licensing Act 2003, and regulations made under it, specific to the licensable activities taking place at or from a premises 	<ul style="list-style-type: none"> • Planning applications have to be commenced within 3 years of the decision.
other conditions	other conditions
<ul style="list-style-type: none"> • Conditions relevant to the application circumstances as proposed by the applicant or responsible authorities • Licence conditions should be: <ul style="list-style-type: none"> - specific to the premises - necessary and proportionate - enforceable - evidenced - precise <p>It is acknowledged that it is desirable for Licensing and Planning conditions to align wherever practicable</p>	<ul style="list-style-type: none"> • Conditions relevant to the application circumstances. • Planning conditions should be: <ul style="list-style-type: none"> - necessary; - relevant to planning and to the development to be permitted; - enforceable; - precise and; - reasonable in all other respects <p>It is acknowledged that it is desirable for Planning and Licensing conditions to align wherever practicable</p>
Informatics	Informatics
Informatics on licenses are not permitted by the Licensing Act 2003	To advise that a separate licence might also be required for licensable activity
Presumptions	Presumptions
<p>The Council does not have a blanket policy on the hours licensable activities may take place; however, the Council actively encourages applicants to limit their licensable activity hours to reflect the necessities of their specific proposed business operation.</p> <p>The start and finish times of licensable activities will be determined by the licensing process.</p>	Premises opening hours will be determined by the Planning regime.
Responsible Authorities	Consultees

<p>Applicants are not required to seek the views of responsible authorities or other persons before submitting their application; however, this is actively encouraged by the Council and the application should include evidence of the outcome of these views.</p> <p>The Responsible Authorities able to comment on licence applications are:</p> <ul style="list-style-type: none"> • Licensing Service (in its capacity as a Responsible Authority) • Planning Service • Environmental Health Service or Health and Safety Executive (depending on premises type) • Environmental Health for the purposes of human health and pollution • Trading Standards Service • Children's Services • Director of Public Health for Shropshire • Chief Officer of Police, West Mercia Police • Shropshire Fire and Rescue Service • Home Office (Immigration Enforcement) Alcohol Licence Team • Maritime & Coastguard Agency (if an application is for a vessel on a waterway only) • Environment Agency • Canal and River Trust <p>Other persons e.g. members of the public also have the opportunity to comment on licence applications</p>	<p>Applicants are not required to seek the views of statutory consultees or local residents/businesses before submitting their application; however, this is actively encouraged by the Council and the application should include evidence of the outcome of these views</p> <p>The Planning Service will consult the following as appropriate:</p> <ul style="list-style-type: none"> • Highways • Drainage and Flooding • Public Health • Natural England • Historic England • Highways England • Environment Agency • Parish & Town Councils <p>Where appropriate immediate neighbours/businesses (where identifiable) will be notified by letter</p> <p>This list is not exhaustive</p>
<p>Publication and Consultation</p> <p>Premise Licences</p> <ul style="list-style-type: none"> • there is a legal requirement on the applicant to publish details of certain applications in a local newspaper and display a notice at the site immediately on or outside the premises and on the Council to place a notice on the website • other persons and responsible authorities have a prescribed number of days (dependent on and determined by the application type) to make 	<p>Publication and Consultation</p> <p>Planning Application</p> <ul style="list-style-type: none"> • there is a requirement for the Council to publish details of most planning applications in a local newspaper, notify properties with a common boundary to the premises to which the application relates and display a notice at the site in a prominent position on or outside the premises and on the Council to place a notice on its online planning register

<p>representations with appropriate evidence</p> <p>Temporary Events - there is no legal requirement for a notice to be published or displayed prior to the event taking place. Environmental Health and the Police have three working days from receipt of the notice to make any comments.</p>	<ul style="list-style-type: none"> other persons and statutory consultees normally have 21 days (if additional information is received and re-consultation is required this period may be subject to change) to make representations
<p>Determining an Application</p> <ul style="list-style-type: none"> if no representations are received the licence will be granted in terms that relate to the operating schedule submitted by the applicant if representations are made and are not withdrawn there will be a Licensing Act Sub-committee hearing to determine the application the name and address of persons making representations will be disclosed to the applicant, premises licence holder and any other interested person no new evidence can be introduced at the Licensing Act Sub-committee hearing therefore, it is important that all matters are included in the initial representation person making the representation are encouraged to attend the hearing <p>Licensing Officers will liaise with Planning Officer in respect of cases under consideration on a regular basis</p>	<p>Determining an Application</p> <ul style="list-style-type: none"> if no representations are received the planning application may be approved or refused in accordance with the legislation, policy/guidance documents after a period of not less than 21 days applications are determined either by officers or by a planning committee in accordance with procedures set out in part 8 of the Council's constitution the name and address of persons making representations will be made available via the Council's online planning register new evidence can be supplied up to the point the decision is taken and must be taken into account anyone can attend the Planning Committee where an application is not delegated to officers for determination there are procedures for public speaking at planning committee <p>Planning Officers will liaise with Licensing Officers in respect of cases under consideration on a regular basis</p>
<p>Variation</p> <ul style="list-style-type: none"> An applicant or existing licence holder can apply to vary the licence Variations can be a result of a licence review 	<p>Variation</p> <ul style="list-style-type: none"> An applicant can apply to remove or amend planning conditions subsequently
<p>Maintaining Compliance</p> <ul style="list-style-type: none"> Governed by the Better Regulation and Enforcement Policy that promotes an escalated approach to securing compliance e.g. advice, mediation, agreed action plans, warnings, licence 	<p>Maintaining Compliance</p> <ul style="list-style-type: none"> Governed by the Better Regulation and Enforcement Policy that promotes an escalated approach to securing compliance e.g. advice, mediation, agreed action plans, warnings,

<p>review and prosecution</p> <ul style="list-style-type: none">• Licence reviews may be sought by any responsible authority or any other person and can result in modification of the conditions, exclusion of licensable activities, removal of the Designated Premises Supervisor, suspension or revocation of the licence	<p>revocation and prosecution</p> <ul style="list-style-type: none">• The Council's Planning Enforcement Protocol describes when it is considered expedient to take formal enforcement action.
<p>Appeals</p> <ul style="list-style-type: none">• to the Magistrates Court	<p>Appeals</p> <ul style="list-style-type: none">• The applicant can lodge an appeal against a refusal or non-determination of a planning application to the Secretary of State. Appeals are determined by an independent planning inspector employed by the Planning Inspectorate on his behalf. <p>Appeals can also be made to the Planning Inspectorate in the event of non-determination</p>

APPENDIX E

EXTRACT FROM THE SHROPSHIRE COUNCIL CONSTITUTION SETTING OUT DELEGATIONS

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Council Delegations

Licensing Act 2003

Matter to be determined	Full Council	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Officer (Professional)* (unless otherwise specified)
Final approval of the Licensing Authority Policy Statement	X			
Fee setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for Personal Licence with no convictions or spent convictions			X If a police objection	X If no objection made
Application for Personal Licence with unspent convictions			X	
Application for Premises Licence/Club Premises Certificate			X If a relevant representation made and not withdrawn	X If no relevant representation made or representations have been withdrawn
Application for Provisional Statement			X If a relevant representation made and not withdrawn	X If no relevant representation made or representations have been withdrawn
Application to vary Premises Licence/Club Premises Certificate			X If a relevant representation made and not withdrawn	X If no relevant representation made or representations have been withdrawn
Application to vary Designated Premises Supervisor			X If a police objection	X
Request to be removed as				X

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Designated Premises Supervisor				
Application for transfer of Premises Licence			X If a police objection	X
Application for Interim Authorities			X If a police objection	X
Application to review Premises Licence/Club Premises Certificate			X	
Licensing Authority initiating a review Premises Licence/Club Premises Certificate				X (Operations Manager)
Decision on whether a representation is irrelevant, frivolous, vexatious, etc.				X
Decision to object when Licensing Authority is a consultee and not the relevant authority considering the application			X	
Determination of objections to a Temporary Event Notice			X	
Determination of objections to a late Temporary Event Notice				X
Determination of application to vary premise licence at community premises to include alternative licence condition			X If a police objection	X
Decision whether to consult other responsible				X (Public Protection Officer – Specialist)

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authorities on minor variation applications				
Determination of minor variation application				X (Public Protection Officer – Specialist)
Acknowledgement of notices, applications and other documents				X (Public Protection Officer – Technical Support)
Revocation of Personal Licence under Section 124 of the Licensing Act 2003			X If a police or Secretary of State (immigration) objection notice	X
Review of Premise Licence following closure under Section 167 of the Licensing Act 2003			X	
Issue of counter notice to temporary event under Section 107 of the Licensing Act 2003				X

X indicates the lowest level to which decisions can be delegated

*Or equivalent if post designations are amended

APPENDIX F

LIST OF DOCUMENTS THAT DEMONSTRATE ENTITLEMENT TO WORK IN THE UK

Documents that demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a

national or who has derivative rights of residence in exercising treaty rights in the UK including:-

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

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Premises Licence Operating Schedules and Premises Plans Guidance

Guidance to prepare or amend a premises licence to effectively demonstrate the promotion of the licensing objectives. This guidance is not an exhaustive list of the factors that need to be considered and MUST be read in conjunction with the relevant paragraphs of the Section 182 Guidance and Shropshire Council's Statement of Licensing Policy 2019 - 2024.

1.0 Summary

- 1.1 This guidance is aimed at applicants for new, or variations to, premises licenses. It assists applicants by taking them through the operating schedule and plan requirements of an application, offering general guidance and outlining the Council's expectations and requirements of applicants.
- 1.2 Utilisation of this guidance when making applications will enable applicants to submit applications which meet the requirements of Shropshire Council's Statement of Licensing Policy 2019 – 2024, and promote the four licensing objectives, which are:
 - Public safety
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - The protection of children from harm

2.0 The Operating Schedule

- 2.1 The operating schedule is Part 3 of the new premises licence and Part 4 of the full and minor variation applications. This is the section which gives details about the premises, how it will operate and where you should demonstrate that the operation of the premises will promote the licensing objectives.
- 2.2 This is the most important part of the application and should be carefully thought about and completed. It is this section that will demonstrate to the Responsible Authorities, and anyone else, that you are able to run the premises responsibly and safely and without undermining the licensing objectives.

3.0 When do you want your premises licence to start?

- 3.1 If you want your premises licence to start as soon as possible, either leave the date box in this part blank, or complete it with ASAP. If you have a specific start date on which you would like the licence to begin, you can put that in this

section. No licence will start until the relevant consultation period has ended, and any hearing process which may be necessary has been carried out.

- 3.2 If you only need your premises licence for a specific period, e.g. for a weekend long event, you should fill in the start and end dates in this section. The end date is the last day on which licensable activities will take place.
- 3.3 For the purposes of the Licensing Act 2003 a day is considered to start at 00:00 and end at 23:59. Any times on the application form should be given using the 24-hour clock.

4.0 General description of the premises

- 4.1 You need to provide a clear physical description of the premises in this section, which gives detail of the general situation and layout. The details should include where the premises is, the type of building and whether the building has other uses or occupants. For example:
 - How many floors does the premises have and how many will be used for licensable activities?
 - What are the other floors used for?
 - What buildings does the premises adjoin and what are they used for?
 - Where will licensable activities primarily take place?
 - What will the internal layout be like?
 - What is the premises glazing like? E.g. is there double glazing or any secondary glazing? Are the windows capable of being opened?
 - Are you providing an outside space as part of the licensed premises? What is this like, how close is it to the premises, how is it accessed and how will it be laid out?
- 4.2 You should also provide some information about the location the premises is situated in. For example:
 - What is the surrounding area like?
 - What is the general use of premises in the surrounding area e.g. mainly residential or predominantly other businesses?
 - Is it a rural or built up location?
 - Are there any schools nearby?
- 4.3 You should also use this section to provide any other details about the premises which may be relevant to the licensing objectives. For example, if you plan to provide gambling facilities or relevant entertainment (entertainment with nudity or semi nudity), where this will take place?
- 4.4 If you are applying for off-sales for the supply of alcohol, and you intend to provide a place outside your premises for the consumption of alcohol, which is not included in your licensed area and could be used for the consumption of these off-supplies (for example a beer garden or outside seating area), you must include a description in this section of where this place is, how it is accessed from the premises, its layout and its proximity to the premises.

5.0 Licensable activities

- 5.1 In sections A to J of the operating schedule, you must provide details of the days and times you wish to carry out the specific licensable activities you are applying for. If you are not applying for a licensable activity, leave the section blank. Complete the timings for each day using the 24-hour clock. If you need more information what is and what isn't a licensable activity, see paragraph 26.0 of the Council's Statement of Licensing Policy 2019 - 2024.
- 5.2 For each activity, you will need to tick the box to confirm if you intend to carry out the activity indoors, outdoors or both. If you are applying for the supply of alcohol, you should tick to indicate whether you will be supplying alcohol for consumption on the premises, off the premises or both.
- 5.3 'On premises' means alcohol can only be supplied and consumed within the licensed area of the premises (inside the red line on your plan). 'Off premises' means alcohol can only be sold for consumption off the premises (e.g. an off licence). 'Both' would indicate that alcohol could be supplied for consumption on the premises, but could also be sold to be taken away (e.g. a pub where patrons could also buy a bottle of wine to take home).
- 5.4 If you aren't sure if you need a licence for the activity you are planning, check guidance note 2 at the back of the new premises licence application form, read paragraph 26.0 of the Council's Statement of Licensing Policy 2019 - 2024, or contact the Licensing Team for advice.
- 5.5 In the 'further details' section for each licensable activity you are applying for, you should provide any useful additional information about the activity you plan to offer. For example:
 - Plays: If the play is a one off give the name of the play, otherwise give the nature of the plays e.g. plays for mixed audiences, pantomimes etc. How often will plays be shown?
 - Film Exhibitions: How many screens will there be? What types of film do you intend to show e.g. arts films, current box office releases etc.? How often will films be shown?
 - Boxing and Wrestling: What category fights do you plan to provide? Will they be professional or amateur? How often will there be matches?
 - Live music: Amplified or unamplified? What type of music? How many musicians will there generally be? How often will there be live music?
 - Recorded music: What type or style of music? Do you intend to use a live DJ or a sound system? Will there be DJ nights? Will you be offering karaoke?
 - Performance of Dance: Will there be a stage? What kind of dancing will be shown? Will there be any nudity or stripping?
 - Entertainment of a similar description: Describe the type of entertainment e.g. comedy shows

- Late night refreshment: Describe what you will be doing. Selling food for takeaway only? Providing food as part of events? What type of food?
- 5.6 In the seasonal variations section of each licensable activity, you should list any specific days you want to carry out the activity which wouldn't ordinarily be permitted by the standard timings you have applied for. For example:
- You may want to open on specific days you wouldn't normally e.g. where a premises would not ordinarily be open on a Monday, but you want to be able to open if Christmas Eve or New Year's Eve fall on that day, or for bank holidays and other nationally recognised holiday days.
- 5.7 In the non-standard timing section, you should provide details of specific days on which you want the activity to be able to take place during different hours than the standard timings already applied for. For example:
- The premises might usually close at 00:00, but on New Year's Eve would like to be able to open until 01:00.
- 5.8 In section J for the supply of alcohol, the Council recommends that applicants applying for on sales end the supply of alcohol half an hour before the intended closing time of the premises. This allows patrons to finish their last drink in a more leisurely manner and disperse over a longer period of time, reducing the likelihood of a public nuisance being caused outside the premises at closing time.
- 5.9 In section K, you should describe any activities intended to take place at the premises which may give rise to concern in respect of children. This includes any entertainment where there may be nudity or semi nudity, the showing of films which have age restrictions and if there will be any gambling activities or gaming machines. You should complete this section even if you do not intend for children to have access to the premises, but you are providing activities of this nature.

6.0 Opening hours

- 6.1 In section L, you should state the desired opening hours of the premises. These are the hours during which the premises will be permitted to be open and carrying out licensable activities. Take paragraph 5.8 above into consideration when doing this if you are applying for the supply of alcohol.
- 6.2 It is strongly advised that you check the planning permission for the premises and apply for opening hours which correspond with, or are earlier than, the hours permitted by planning. If you aren't sure what the planning permission for the premises permits, you should contact Shropshire Council's Planning Department for advice.
- 6.3 The Licensing Team will check appropriate planning permissions on receipt of licence applications, and will discuss the need for licence opening hours above and beyond planning permissions with the applicant. If you do apply for licensable activity or opening hours without the planning permission for the

premises, and the licence is granted, you must comply with the permission which finishes earliest.

- 6.4 If you feel the hours permitted by planning do not meet your needs for the premises, you should contact planning to discuss applying to amend the planning conditions.
- 6.5 In this section, you must also include any seasonal variations or non standard timings for the opening hours to reflect and correspond with those requested in the licensable activity sections.

7.0 Part M – Promoting the Licensing Objectives

- 7.1 Every premises licence application is considered on its own merits, so you must use section M to paint a detailed picture of your premises and how it will operate. You must carefully read and consider section 27.0 of the Council's Statement of Licensing Policy 2019 – 2024 before completing this section of the application form.
- 7.2 You must use the parts of section M of the application form to volunteer as much information as is necessary to demonstrate to the licensing authority, and all responsible authorities, the measures you propose to promote the licensing objectives at the premises. This is the section which shows the licensing authority and the responsible authorities how well you have understood the licensing objectives, and whether you have successfully taken account of them in terms of your specific premises.
- 7.3 The self-proposed measures in this section will become conditions of your licence if it is granted (subject to amendments and rewording by the Licensing Team), and so it is essential that you consider the following points carefully when writing this section:
 - Conditions must be specific to the premises, taking into consideration its specific location, operation and circumstances
 - Conditions must be necessary and proportionate – it is important that you address all four of the licensing objectives, but don't propose conditions you won't be able to comply with or are unrealistic for your staff to achieve
 - You must be able to support any measures you propose with evidence of how you, the premises staff and/or the premises will be able to achieve them
 - If a question such as 'who', 'where', 'how' or 'when' can be asked about a condition you are proposing, it is not clear enough
 - **You must use definitive language when proposing conditions:**
 - **DO NOT use language such as: *should, may, could, recommend, as soon as possible, best endeavours, risk assessed basis***
 - **DO use language such as: *must, shall, will, requirement of***

8.0 The Prevention of Crime and Disorder

- 8.1 The promotion of this objective places a responsibility on prospective licence holders and licence holders to identify the risks and potential issues associated with the licensable activities they plan to offer in specific relation to their premises. They must become key partners in achieving a positive outcome through the proposal of effective and robust licence conditions. Following the carrying out of a risk assessment, applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained, to minimise or prevent crime and disorder, in and around the vicinity of their premises. Conditions are expected to be relevant to the individual style and characteristics of their premises and licensable activities.
- 8.2 The below list provides guidance on control measures that should be considered in order to deter and prevent crime and disorder including the prevention of illegal working in licenced premises. Considerations in relation to the premises and the licence must determine whether or not the following are required:
- Security Industry Authority (“SIA”) licenced staff (SIA requirements stipulate that licenced staff must display their name badge and carry proof of registration) for example:
 - To prevent the admission and ensure the departure from the premises of the drunk and disorderly, without causing further disorder
 - where there are capacity limits for the premises, compliance with and monitoring of that limit
 - keeping out individuals excluded by court bans or by the licence holder
 - searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
 - maintaining orderly queuing outside premises
 - Sufficient ratio of SIA licenced staff to customers
 - Where, and at what times, SIA licenced staff should be stationed on the premises
 - Closed-circuit television cameras (CCTV) inside and immediately outside the premises (the precise location of cameras must be shown on the premises plan)
 - A retention period for CCTV images
 - A condition to properly maintain CCTV cameras
 - Provision of appropriate communication systems including links to the police and other licence holders, e.g. text and radio pagers, radio links and ring-round phone systems, and any specific requirements relating to the way in which the system is operated
 - Conditions relating to the management competency of the Designated Premises Supervisor (DPS)
 - Conditions that focus on preventing immigration crime e.g. undertaking right to work checks on all staff and retaining copies of any documents checked

- A ratio of tables and chairs to customers
- Membership of appropriate initiatives, schemes, professional bodies, etc.
- Initiatives to protect children, young people and adults with care and support needs
- Mechanisms to ensure the safe and quiet dispersal of customers
- Restrictions on the areas where alcoholic drinks may be consumed after being purchased from the bar
- Mechanisms to inform customers of the prevalence of crime and who to contact to report concerns
- Mechanisms to make the conditions that apply to the licenced premises clear to customers and others who may wish to know when breaches are taking place
- Provision of secure receptacles or areas for confiscated items such as drugs or weapons
- Systems for alerting the police of confiscated items and arranging collection/disposal of them by the police

9.0 Public Safety

- 9.1 Having carried out appropriate risk assessments of their premises, prospective and current licence holders should be able to identify and propose conditions to mitigate risks to public safety. Conditions must be relevant to the individual style and characteristics of their premises and licensable activities, and should take into consideration the customer profile, nature of the surrounding area and nature of the services, events and facilities that will be on offer in the premises and how they might pose a threat to public safety.
- 9.2 The below list provides guidance on potential control measures to ensure the safety of people using licenced premises. Considerations in relation to the premises and the licence must determine whether or not the following are required:
- The use of weights and measures compliant plastic or toughened glass drinking receptacles
 - specific types of training for staff, the DPS or security staff, including awareness of first aid, conflict management or initiatives to protect potentially vulnerable customers
 - ensuring safe departure of those using the premises, e.g. providing information of local hackney carriages and private hire companies, provision of adequate external lighting
 - Prevention of sales of drinks in glass bottles i.e. bottle bans, taking into account that bottles may be considered a safer option to prevent the spiking of drinks
 - Conditions to prevent customers from taking alcoholic and other drinks from the premises in open containers e.g. glasses and opened bottles
 - A maximum capacity limit to prevent overcrowding
 - Maintenance and repair schedules/checks attesting to the safety or satisfactory nature of equipment, fixtures etc.

- Queue management procedures inside and outside the premises
- For events or premises where there is a stage, crowd management procedures to prevent overcrowding or crushing
- Training for all staff on fire and emergency evacuation procedures
- For large events, adequate training for all staff on emergency and evacuation procedures

10.0 The prevention of public nuisance

- 10.1 Thorough analysis of the premises which considers the specific licensable activities that will take place should be carried out, by a professional if necessary, in order to ensure that any potential sources of public nuisance are identified. Premises licence holders and applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained, to prevent public nuisance, in and around the vicinity of their premises.
- 10.2 The below list provides guidance on the control measures that should be considered to reduce the effect of the licensable activities at the specific premises on persons living and working, including those carrying on business, in the area around the premises. The issues will mainly concern noise/vibration nuisance, light pollution, noxious smells (e.g. fumes from smoking and vaping) and the adverse effects of artificial light, dust, insects and litter. Considerations in relation to the premises and the licence must determine whether or not the following are required:
- Methods of preventing and managing noise/vibration nuisance, light pollution, noxious smells, adverse effects of artificial light, dust, insects and litter.
 - The Council is not minded to provide a definitive list of methods to address nuisance; instead applicants are advised to consider the following sources of nuisance and determine the most appropriate methods to control and manage them, with specific reference to their premises (this is not an exhaustive list):
 - outside areas e.g. use of gardens, play areas, carparks, temporary structures such as stages
 - doors
 - windows
 - ventilation systems/fans
 - flashing or particularly bright light including lasers
 - fireworks and pyrotechnics
 - rowdy behaviour
 - disposal of waste including bottle bins
 - plant and machinery
 - food preparation including cleaning of premises and equipment
 - deliveries and collections of patrons, staff and vehicles
 - litter being dropped inside and outside of premises
 - fly posting, advertising and distribution of promotional material

- live and recorded music (consider a period of lower volume and/or lower tempo music before closing - wind-down policy)
- positioning of speakers
- opening and closing times together with total operating periods

11.0 The protection of children from harm

- 11.1 The promotion of this objective places a responsibility on prospective licence holders and existing licence holders to recognise their duty to protect children from harm, and prevent their premises and the licensable activities taking place within it from having any negative physical, moral or psychological effect on children.
- 11.2 Following the carrying out of a risk assessment, applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm in and around the vicinity of their premises. Conditions must be relevant to the individual style and characteristics of their premises and licensable activities.
- 11.3 It is recognised that the licensing objective relating to the protection of children from harm does not apply directly to young people and adults with care and support needs. However, the Council actively encourages applicants and licence holders to apply the same principles to young people and adults with care and support needs as they do when considering protecting children from harm in the operation of the premises.
- 11.4 The following issues will significantly increase the need for the operating schedule to include a robust explanation and detailed provisions setting out how children will be protected from harm, including circumstances where access is prohibited for all children under 18 years of age:
- Where the entertainment, activity or services (whether regulated entertainment or not) provided on the premises are clearly of an adult or sexual nature (relevant entertainment), particularly when the premises are located in the vicinity of residential housing, nurseries/pre-school facilities and schools and/or other educational establishments, play areas, places of religious worship, historic buildings, tourist attractions, family shopping areas, community facilities or public buildings such as youth clubs, libraries and sports centres
 - Where any member of the current staff at the premises has been convicted for serving alcohol to a minor or where there is a reputation for selling alcohol to underage children
 - Where it is known that unaccompanied children have been allowed access previously
 - Where the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises
 - Where there is a significant element of gambling on the premises
 - Where the premises has a known association or involvement with the taking or dealing of drugs

- Where a premises has known associations with heavy, binge or underage drinking
 - Where children under the age of 12 and unaccompanied by an adult may be on premises that do not serve alcohol for consumption on the premises but where the public are allowed after 23:00
- 11.5 The list below provides guidance on the control measures that must be considered to protect children from moral, psychological and physical harm and exploitation. Considerations in relation to the premises and the licence must determine whether or not the following are required:
- A 'Challenge 25' policy linked with identification challenges and proof of age
 - The use of a 'challenge log' recording all age restricted sales challenges
 - A 'Challenge 25' prompt or reminder for staff at the point of entry to premises and at points of sale
 - Systems to ensure that the circumstances in which a customer may or may not be served is understood and consistently applied
 - Mechanisms to inform customers of age restricted sales legislation and related policies/procedures that are in operation at the premises
 - Staff training to ensure age restricted sales legislation and policies/procedures are understood, up-to-date and applied consistently, including how staff's knowledge and understanding will be tested
 - The frequency and updating of staff training, which is recorded
 - External or internal test purchasing policies
 - Measures to prevent adults buying or attempting to buy alcohol on a child's behalf ('proxy sales')
 - Any other arrangements to prevent children from acquiring or consuming alcohol
 - Any other arrangement for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol
 - Steps to prevent children from being exposed to drugs, drug taking or drug dealing
 - Arrangements to prevent children from being exposed to gambling
 - Steps to prevent children from being exposed to entertainment of an adult or sexual nature (relevant entertainment)
 - Steps to prevent children from being exposed to incidents of violence or disorder
 - Measures to prevent children from being exposed to environmental pollution such as excessive noise
 - Measures to prevent children from being exposed to other hazards, e.g. falls from height
 - Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm other than in relation to alcohol

- Mechanisms to make the conditions that apply to children in the licenced premises clear to customers and others who may wish to know in order to determine when breaches are taking place
- Restrictions on the hours when children may be present
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place
- Restrictions on the parts of the premises to which children may have access
- Requirements for an accompanying adult, including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult
- Full exclusion of children under 18 from the premises when any licensable activities are taking place
- Controls for entertainment specifically aimed at children
- Sufficient ratio of adult staff to children to ensure adequate supervision and protection of children is available
- Provision of play areas, baby changing facilities, etc.
- Provision of enhanced safety control measures targeted at protecting children
- Limits/restrictions on point of sale naming, marketing and promotion for alcohol and other products that are not suitable for children
- Steps to promote the protection of children from harm specifically where a decision is taken to completely exclude children from a premises, e.g. to address children gaining unauthorised access or where children may congregate in the vicinity of the premises
- Controls relating to children in performances, in particular, the care of the children, the suitability of the venue and the use of special effects
- Measures to stop children viewing age-restricted films which are classified by the British Board of Film Classification or the Council until they reach the required age
- Steps relating to child employment

12.0 How to prepare a plan of a licensed premises

- 12.1 New premises licenses, or variations to premises licenses where there is a material change to the layout or operation of the premises which affects the existing plan, must be accompanied by a plan.
- 12.2 The plan will become part of the premises licence, it is therefore essential that they are carefully prepared and drawn accurately to avoid any errors or confusion.
- 12.3 Plans may be hand drawn, but will not be accepted if the drawing or writing on them is not clear and legible.
- 12.4 Regulations under the Licensing Act 2003 require specific details to appear on the plan. If all the following (where appropriate) are not on your plan it won't be accepted:

- Plans must be in the scale of 1:100 i.e. 1 millimetre represents 100 millimetres. Only in exceptional circumstances may a plan be submitted to a different scale and the prior consent of the Council must be gained
 - The boundary of the building, if the premises is a building, and any internal and external walls must be shown. If the premises is not a building the perimeter of the premises must be clearly defined
 - Entrance and exit points must be clearly shown/labelled
 - If there are emergency escape routes from the premises which are different from the normal entrances and exits they must be clearly shown/labelled
 - The areas to be used for all licensable activities must be clearly shown e.g. bars, stages, dance floors
 - Where the supply of alcohol will be a licensable activity the location or locations for the consumption of alcohol on the premises must be clearly demarcated
 - Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of people to use exits or escape routes without impediment must be clearly shown/labelled
 - Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
 - Any steps, stairs, elevators or lifts must be accurately and clearly shown/labelled
 - Facilities such as toilets and changing rooms must be clearly shown/labelled
 - All fire safety equipment e.g. fire extinguishers, hose reels, fire blankets, and any other safety equipment must be clearly shown/labelled
 - The location of a kitchen, if any, on the premises must be clearly shown/labelled
- 12.4 The total extent of the premises to be licensed should be defined by a bold and clear continuous red line
- 12.5 You may find it easier to use symbols to illustrate the location of all the required features on the plan e.g. where fire extinguishers are placed. This often stops the plan from becoming cluttered and difficult to read. If you do use symbols you must provide a key to the symbol used either on the bottom of the plan or as a separate sheet.
- 12.5 It is also useful if the plan submitted has the name and address of the premises it relates to, and is dated with when it was completed, but this is not a requirement.

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change:

Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated ‘Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance’

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision

to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated ‘Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance’

Aims of the service change and description

Aims

Shropshire Council’s existing Licensing Act Statement of Licensing Policy (‘the policy’) was adopted from the 1 April 2014 and ceases to have effect on 31 March 2019. The Licensing Act 2003 (‘the Act’) places a legal duty upon the Council, in its capacity as the licensing authority, to prepare and publish a statement of licensing policy with respect to its licensing functions at least every five years; hence, a revised policy must be approved by the Council and in effect no later than 1 April 2019. The revised policy will satisfy the legal duty placed on the Council.

The format and content of the Council’s policy has been significantly revised, and new premises licence application guidance developed, in order to proactively promote the four licensing objectives (for further details of the objectives, see description below) that are contained within the Act and also to:

- reflect the latest guidance issued under the Act, and amendments made to the Act itself since the current policy was adopted;
- further strengthen safeguarding provisions in relation to children, young people and adults with care and support needs to tackle all forms of exploitation where this may be or is impacted by the licensing regime;
- highlight the positive contribution that well managed licenced premises bring in support of local businesses and the growth and prosperity of Shropshire’s economy, and, in particular, that the licensing regime can and should be utilised to shape and manage the growth of the evening and night time economy taking account of public health outcomes;
- provide enhanced practical guidance in respect of the application of the Act so that existing and potential licence holders and other stakeholders can ensure that the requirements that must be satisfied before an applicant can obtain and then retain any such licence are met (including the creation of a local area profile – see bullet point below);
- map local areas of concern, including actual and future emerging evidence-based risks that may impact on the licensing of premises and licensable activities through the development of a local area profile (existing and potential licensees will be encouraged to use the profile to help inform them of specific risks prior to submitting licence applications);
- provide information relating to the regulatory licensing and planning regimes and how

- these are applied in Shropshire in relation to the evening and night time economy;
- clearly set out the licence review process to ensure all stakeholders understand when and how this process may be utilised in accordance with the provisions of the Act;
- ensure the way in which the Council deals with the exchange of information is robustly addressed;
- clearly set out the Council's overarching approach to inspection, compliance, enforcement and complaints and appropriate links made to the Council's Better Regulation and Enforcement Policy; and
- assist council officers to correctly apply the legal provisions of the Licensing Act 2003.

Description

The Act regulates licensable activities through premises licences, club premises certificates, temporary event notices and personal licences. The licensable activities are:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The Act contains four licensing objectives, which must be addressed when licensing functions are undertaken. These objectives are central to the Act and are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy acts as the primary vehicle for setting out the Council's approach to licensing regulation under the Act. It forms the Council's mandate for managing local licensable activities and sets out the Council's position on local risks and, therefore, its expectations in relation to applicants/licence holders. The policy is not a stand-alone document and does not attempt to explain all the requirements of the Act for each type of licence/notice and the associated licensable activities. It must be read in conjunction with relevant legislation and guidance; the policy signposts applicants/licence holders accordingly.

The policy makes it clear that the Council's aim is to establish responsibly managed and safe licensed premises. It aims to support the Council's high level outcomes by creating an environment through the promotion of the licensing objectives that encourages people to be healthy, communities to be resilient and to develop a prosperous economy.

The policy sets out that the Council is committed to supporting a vibrant, balanced and safe licensed trade and evening and night time economy and recognises that this type of activity can have undesirable and unintended side effects, which can undermine the four licensing objectives and lead to negative public health outcomes. In this regard, the policy makes it clear that the Council is seeking to curtail the negative elements of the licensed economy through supporting licence holders, prospective licence holders, personal licence holders and those with temporary authorisations to eliminate, through rigorous and enforceable licences, the potential negative outcomes. The policy also recognises that it is crucial that the licensing

regime supports the elements of the economy which make Shropshire's towns and communities exciting and attractive places to live, learn, work and visit. It is further recognised that this will require partnership working with other Council services and/or agencies and organisations e.g. with applicants, licence/notice holders, responsible authorities, other local businesses and communities.

There is a recognition that the evening and night time economy is growing across a number of Shropshire market towns and that the policy has a key role in shaping and managing this growth. It is recognised that such growth can lead to the licensing objectives being undermined; however, it is important to simultaneously understand the positive contribution that well managed licenced premises bring in support of local businesses and the growth and prosperity of Shropshire's economy.

Intended audiences and target groups for the service change

- Communities of Shropshire, including those who live, visit and work in the county
- Persons who wish to apply for premises licences, club premises certificates, temporary event notices and personal licences;
- Persons who hold existing licences and notices, including those that are the subject of review;
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees
- Shropshire Safeguarding Children Board (SSCB)
- Shropshire Council Children Services
- Keeping Adults Safe in Shropshire Board (KASiS)
- Shropshire Council Adults Services
- Children, young people and other vulnerable people including adults with care and support needs
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shrewsbury Business Improvement District
- Oswestry Business Improvement District
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public who access licensed premises and take part in licensable activities
- Other local authorities, particularly those that border the Shropshire Council area including relevant Welsh authorities
- Shropshire Voluntary and Community Sector Assembly (VCSA)
- Voluntary Groups/Organisations
- Shropshire Business Board
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership
- Government Departments and Agencies
- Police forces, in particular West Mercia Police (Chief Inspector of West Mercia Police), and neighbouring Welsh police forces
- Police and Crime Commissioner West Mercia and neighboring Welsh Police and Crime Commissioners

- Shropshire Clinical Commissioning Group
- Local NHS Trusts
- Shropshire Council Public Health (Director of Public Health)
- Public Health England
- Shropshire located Town and Parish Councils
- Shropshire MPs
- Shropshire Fire and Rescue Service
- Shropshire Council Development Management (Planning Service)
- Shropshire Council Environmental Health (Regulatory Services)
- Health and Safety Executive
- UK Border Agency (The Home Office)
- Environment Agency in England and Wales
- Canal and Rivers Trust
- Maritime and Coastguard Agency (Secretary of State for Transport)

The above list is not intended to be exhaustive or in order of priority and will be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Legal requirement contained in the Licensing Act 2003 that the existing policy can only legally last for a maximum period of five years and then it must be reviewed, consulted upon, approved and re-published by the Council.
- Officer feedback in relation to the difficulties encountered when administering and enforcing the Licensing Act 2003 regime often as a result of poor quality applications and a lack of robust challenge by officers at the early stages to address these issues.
- Emphasis on the safeguarding role that local authorities have, which has strong links to all licensing regimes, including those under the Licensing Act 2003.
- Shropshire Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- Shropshire Council's own 'Local Area Profile – Licensed Premises', which forms part of the policy document.
- Shropshire Strategy to Reduce Alcohol Related Harm 2016-2019
- Licensing Act 2003, as amended and subordinate legislation
- Shropshire Council's Licensing Act 2003 Statement of Licensing Policy (effective 1 April 2014)
- Current guidance issued under Section 182 of the Licensing Act 2003 ('Section 182 Guidance') issued by the Home Office
- Shropshire Council's Economic Growth Strategy 2017- 2021
- 2003 Licensing Act: evidence & decision making 10 years on report by Jon Foster, Senior Research and Policy Officer, Institute of Alcohol Studies
- House of Lords Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:post-legislative scrutiny and associated responses
- Public Health England - The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies An evidence review (December 2016)

Specific consultation and engagement with intended audiences and target groups for the service change

The Council's Strategic Licensing Committee has overseen the review of the Licensing Act 2003 Statement of Licensing Policy 2019-2023. The Committee is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 10

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

A public consultation (legally required by the Licensing Act 2003) in respect of the policy was undertaken over a 10 week period from 25 June 2018 to the 2 September 2018. In addition to the consulting on the actual policy, consultation was also undertaken in respect of the 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance'. The proposed guidance aims to assist applicants and existing licence holders to meet the requirements of the policy. Whilst there is no specific legal requirement in the Act to consult on the supporting guidance, because the guidance and the policy are inextricably linked, it was deemed appropriate to consult on the guidance at the same time as undertaking the policy consultation. This ensured that all stakeholders were fully aware of both the policy and the practical approach that the Council intended to adopt over the next five years.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website, through a press release, on the Council and licensing team social media platforms and direct emails to all existing premises licence holders where an email address was available, direct engagement by email was undertaken with trade representatives, responsible authorities, solicitors specialising in licensing matters that are in regular contact with the Council's licensing team, pub companies/breweries and other relevant stakeholders. These are listed below:

- Association of Convenience Stores (ACS)
- Association of Licensed Multiple Retailers (ALMR)
- British Beer and Pub Association (BBPA)
- British Institute of Inn Keeping (BII)
- British Retail Consortium (BRC)
- British Board of Film Classification (BBFC)
- Licensed Victuallers Associations (LVAs)
- Shropshire Fire and Rescue Service
- West Mercia Police
- Environmental Health, Shropshire Council
- Trading Standards, Shropshire Council
- Community Protection, Shropshire Council
- Planning Services, Shropshire Council
- Case Management Team(Children)
- Director of Public Health for Shropshire
- Home Office (Immigration Enforcement) Alcohol Licence Team
- Maritime & Coastguard Agency
- Canal and River Trust
- Poppleston Allen
- TLT
- John Gaunt

- Flint Bishop
- DWF
- Punch Taverns
- Joules
- Marston's
- Enterprise Inns
- Admiral Taverns
- Greene King
- J D Weatherspoons
- Ludlow Brewing Company
- Mitchells and Butler
- Star Pubs & Bars
- Shropshire Association of Local Councils
- Shropshire Chamber of Trade
- County Pubwatch Chairs
- Neighbourhood Authorities Working Group for Licensing

Details of the consultation were also circulated, through a newsletter, by the Shropshire Voluntary and Community Sector Assembly (VCSA) to around 250 different voluntary groups/organisations.

As the opportunity has been taken to significantly revise the format and content of the policy, the consultation welcomed and encouraged all interested parties to provide feedback in relation to the content and format of the whole policy and did not ask specific consultation questions.

There was a limited response to the consultation with 10 responses received. Full details of the responses, together with the analysis of those responses with officer comments and explanatory notes, will be included in the report that is due to be considered by the Strategic Licensing Committee on the 3 October 2018.

Broadly, there was support for both the revised policy and the guidance and the opportunity to comment on what was seen as a constructive piece of work was welcomed; of particular note is the support from the Council's planning service, which is one of the key responsible authorities, that the licensing team is very keen to foster more effective working relationships with in order to promote the licensing objectives; hence this feedback was very encouraging.

Positive comments were received to the effect that the policy is comprehensive and concise and yet comprehensible, omitting jargon and easy to read. It is considered a 'significant betterment' on the existing policy with added clarity on roles and responsibilities. The fact that the policy makes it clear that whilst the Council will aim to advise a business, it is ultimately the business' responsibility to ensure that it meets the four licensing objectives and this position was supported by the responsible authority that has responsibility for preventing public nuisance. The same responsible authority also considered the creation of a responsible authority role within the licensing function of Shropshire Council as a betterment to the existing position as it will encourage links between different Council functions as well as providing additional advice and guidance to all. In addition, the fact that the Council will look to liaise with the licence holder to propose amended or new conditions in relation to licence variations is fully endorsed and recognised as a suitable way of keeping licenses relevant and up to date. Further comments indicated the policy is to be welcomed and commended, with the procedures seen as good implementation of the legislation that actively requires

applicants to provide adequate and detailed information to enable sound licencing decisions.

However, one village hall committee did respond indicating that it was unrealistic for such a committee to be expected to comment on such a lengthy and technically worded document. It was suggested that a digest could be produced to assist understanding that would lead to further consultation responses. An individual response was sent to the village hall committee concerned explaining the reasons for the extent of the technical detail and that legally the Council is required to consult on the whole policy. It is (and always was) the intention to include an executive summary for the policy. This will be drafted and included in the policy after the consultation process has ended and the main body of the policy is approved.

The supporting 'Premises Licence Operating Schedules and Premises Plans Guidance' is also welcomed, particularly in respect of highlighting the importance and extent of the details required in the operating schedule of the application forms.

No major changes were made to the policy or the guidance as a result of the feedback. A small number of minor clarifying amendments were made to:

- ensure any confusion over what is meant by 'the Council' was removed;
- that it is clear that the planning and licensing regimes consider different aspects and aim to protect the local environment to different levels and that, as a result, it is entirely possible that there may be conflict in respect of conditions placed through each regime;
- enhance the wording in the list of matters that the Council will consider, and expects applicants to fully address, in relation to demonstrating that each of the licensing objectives is met;
- enhance the list of matters that need to be included in the physical description of the premises to include reference to glazing specifications and whether windows are capable of being opened; and
- strongly encourage applicants and existing licence/notice holders to consider other appropriate guidance, particularly where it is produced by a responsible authority, in order to fully understand the provisions of the Licensing Act 2003.

Where feedback was received that has not led to changes to either the policy or the guidance, this is because the Act does not permit the changes suggested, the matter was already addressed in a different paragraph within the policy, or changes were not justified in the circumstances described; in all cases, officers have set out their reasons for the position taken and have made this clear in the report to the Strategic Licensing Committee.

There was a suggestion that the Council may wish to consider 'drip feeding' the public with information, through the press, to assist in raising awareness of the responsibilities of licence holders. This has been incorporated into the 'Actions to mitigate negative impact or enhance positive impact of the service change' section below.

Changes have also been made by officers to correct drafting errors and to take into account further advice from both the Shropshire Safeguarding Children Board (SSCB) Business Manager and the Head of Children's Social Care and Safeguarding with respect to determining the body competent to take on the responsible authority role in respect of the licensing objective relating to the protection of children from harm. The draft policy originally proposed the SSCB to be the body competent; however, following discussions with interested parties around the practical application and implementation of this responsible authority role, it was agreed that the body competent would be changed to Shropshire Council's Children's Services. However, there was a recognition that the SSCB will be the body where matters of concern, relating to the protection of children from harm, would be reported where they are

not being adequately addressed by any or all of the responsible authorities or the licensing regime as a whole.

Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
 - fostering good relations?
 - social inclusion?

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact Part Two ESIIA required	High positive impact Part One ESIIA required	Medium positive or negative impact Part One ESIIA required	Low positive or negative impact Part One ESIIA required
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				✓
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓

Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change

For all the groups, the impact of the proposed policy is rated as ‘low positive’. However, in practice the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings.

Once the policy is in force, there is potential for any officer of the Council to help by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the licensing team. This could help ensure effectiveness as well as efficiency of the new policy. All those who access licensed premises and take part in licensable activities, all applicants and licensees, and wider stakeholders in general will be able to submit comments, complaints and compliments directly to the Council’s licensing team and through the corporate complaints and representations procedures in relation to any negative or positive impacts that arise as a result of the implementation of the revised policy.

Based on a comment received during the consultation, the licensing team will consider the viability of options to inform the public on an ongoing basis, through the traditional press/media routes and social media (both corporate and service level), to assist in raising awareness of the responsibilities of licence holders. This will help the public to be better informed and potentially facilitate an increased level of feedback through the channels referred to above. Furthermore, it would be beneficial for the licensing team to consider future engagement with those taking on safeguarding responsibilities for adults with care and support needs and for children and young people, and for these groupings themselves, in order to make these groupings, in particular, aware of the responsibilities of licence holders and the actions that they or their advocates can take should there be concerns or issues.

The revised policy stems from provisions within the Licensing Act 2003 and it is intended to benefit the community as a whole by generally improving the licensing regime operated by the Council. This will naturally lead to benefits for the Protected Characteristic Groups simply because they are part of the wider community. The policy will be a key tool that will drive licensing related standards up for everyone.

The revised policy does not breach any individual or group’s human rights; the policy sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy was not followed, there is a risk that human rights may be breached.

The public consultation has already helped the Council to modify the policy. Members of the Strategic Licensing Committee will consider the revised policy on the 3 October 2018 and will decide whether further consultation is necessary or whether they are in a position to

recommend to full Council that the policy is formally adopted. Legally, the policy must be adopted no later than 1 April 2019.

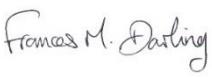
Actions to review and monitor the impact of the service change

The policy will be the subject of continuous evaluation based on ongoing feedback from stakeholders and will definitely be formally reviewed and considered by the Council's Strategic Licensing Committee and Council before 1 April 2029. At the time of review all relevant stakeholders will again be consulted. Anyone may request a review of the policy at any time.

There will be ongoing dialogue with applicants and licensees through direct contact as a result of the licence application and review process. This will provide the opportunity for the trade and the public to provide feedback to the licensing team. A generic licensing telephone number and email address is and will continue to be generally publicised on the Council's website for stakeholders, including members of the public, to provide feedback on the impact of the changes made to the policy. In addition, licensees must display a summary of their licence at their premises; this will highlight to members of the public that Shropshire Council is the issuing authority and can be contacted in the event of any complaint or other issue that they wish to raise. All feedback will be recorded either on the licensing database used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing Act Sub-Committee, with issues brought before these Committees as appropriate. Professional leads within the licensing team will have a key role to play in understanding the impact of the policy. Feedback will be sought from Members and Officers to inform the ongoing informal and, in due course, the formal review of the policy that will be undertaken in the future.

Scrutiny at Part One screening stage

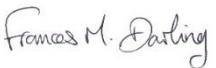
People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Frances Darling – Trading Standards & Licensing Operations Manager		19 September 2018
<i>Any internal support*</i> Mandy Beever – Transactional and Licensing Team Manager Jessica Moores – Public Protection Officer (Professional)	 	19 September 2018 18 September 2018
<i>Any external support**</i> Lois Dale – Rurality and Equalities Specialist		19 th September 2018
<i>Head of Service</i> Rod Thomson – Director of Public Health		20 th September 2018

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*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer's name Frances Darling – Trading Standards & Licensing Operations Manager		20 September 2018
Head of Service's name Rod Thomson – Director of Public Health		20 th September 2018

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- mitigate negative impact or enhance positive impact of the service change,
- AND*
- review and monitor the impact of the service change

Please try to ensure that:

- Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;
- The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.

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Committee and Date	Item
Strategic Licensing Committee	7
3 October 2018	Public

PROPOSED ADDITIONAL CONSULTATION ON THE REMOVAL OF THE EXISTING FIVE HACKNEY CARRIAGE ZONES

Responsible Officer Mandy Beever Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 This report sets out a proposal for removal of the five existing Hackney Carriage Zones ('the Zones') and apply a single Hackney Carriage licensing regime throughout the administrative area of Shropshire Council.
- 1.2 At the Strategic Licensing Committee meeting held on 20 June 2018 the Committee agreed to commence a ten week consultation period from 25 June 2018 to 2 September 2018 to receive responses.
- 1.3 Officers have considered the responses that were received and as a result now consider that the original transitional arrangements that were proposed have changed fundamentally and therefore request that the Committee allow a further period of consultation on the revised proposal.

2. Recommendation

- 2.1 That the Committee considers all the suggested amendments put forward by those who responded to the consultation and agrees with the officer's summary as set out in **Appendix A**.
- 2.2 That the Committee agrees to a further formal consultation for not less than 4 weeks to commence from the 8 October 2018, on the removal of the five existing Hackney Carriage Zones and apply a single Hackney Carriage licensing regime throughout the administrative area of Shropshire Council with effect from 1 April 2021, with no transitional arrangements.

REPORT

3. Risk Assessment and Human Rights Act Appraisal

- 3.1 The control of Hackney Carriage Licensing is currently based on the regimes that existed within the previous District and Borough councils (South Shropshire District Council, North Shropshire District Council, Shrewsbury

and Atcham Borough Council, Oswestry Borough Council and Bridgnorth District Council) prior to the formation of Shropshire Council ('the Council') in 2009.

- 3.2 Hackney Carriage licensing is a function of the Council and the power to remove the existing five Zones (see paragraph 5.3 below for details of the existing Zones) is set out in provisions within the Local Government Act 1972 ('the LGA72').
- 3.3 The removal of the Zones, in effect, will create a single area that would permit Shropshire Council licensed Hackney Carriages to operate across the whole of the administrative area of Shropshire Council rather than being restricted to the Zone for which they are currently licensed. The most significant impact for existing Hackney Carriage proprietors, who currently operate outside of 'Zone 4', is that all vehicles will be required to be wheelchair accessible.
- 3.4 In practice, the removal of the Zones will require existing Hackney Carriage proprietors to make a commercial decision based on whether they want to operate Wheelchair Accessible Hackney Carriage Vehicles, in which case the Council will support them to do so by publishing their contact details on the Designated List of Wheelchair Accessible Vehicles, or alternatively to focus on being a Private Hire business and be subject to the Private Hire regime for their vehicles and to the relevant Private Hire Operator conditions.

Consultation Responses

- 3.5 There were 16 responses received following the consultation; 1 of which was not relevant. Of the 15 relevant responses, a significant majority (80%) were in full support of the removal of the existing five taxi zones citing advantages that would benefit both passengers and the trade.
- 3.6 The supporting responses were received from taxi proprietors (or their representatives) who are currently licensed to operate in zones 3, 4 and 5, together with responses from a private hire operator/driver based in zone 1, a member of the public who resides in zone 4 and a town council in zone 5. No responses were received from anyone linked to zone 2 and no taxi proprietors that currently operate in zones 1 or 2 responded.
- 3.7 The 20% of responses that were against the proposal to remove the existing zones were based on localised economic impacts linked to the wider licensing changes that have occurred over the previous three years rather than as a direct result of removing the zones in the future.
- 3.8 The initial proposal to remove the existing five zones was based on an implementation date of 1 April 2019 with a two year transition period to allow the trade to undertake appropriate financial business planning and for all taxis to be wheelchair accessible by 31 March 2021.
- 3.9 However, feedback from the consultation suggested that this would give the taxi proprietors in zones 1, 2, 3 and 5 (who don't already have wheelchair

accessible taxis) an unfair economic advantage over proprietors in zone 4 who currently do have wheelchair accessible taxis. As a result, it is now proposed that any decision to remove the existing zones should still be made in 2018/19, but with an effective implementation date delayed until 1 April 2021.

- 3.10 This means that the trade will still have a two year transition period, but the taxi proprietors in zone 4 will not face immediate competition from existing proprietors in zones 1, 2, 3 and 5 as all proprietors will continue to operate in their current zones until 31 March 2021.
- 3.11 The taxi proprietors who currently operate in zones 1, 2, 3 and 5 will, however, be fully aware that they have two years to upgrade their taxis to accommodate wheelchairs or to take a business decision not to do so and instead licence their vehicles under the private hire regime. If proprietors upgrade their vehicles, this will clearly increase the number of wheelchair accessible vehicles operating in Shropshire. However, if they opt for the latter position, the number of wheelchair accessible vehicles will not increase; however, equally this approach will not reduce the number of accessible vehicles, and, significantly, under the private hire regime, the Council will be in a position to enhance its safeguarding checks on more vehicle proprietors and drivers, providing they remain with Shropshire Council and do not apply to be licensed by another Council with less robust policies in place.
- 3.12 This proposed amendment to the implementation date will also provide a longer lead in time for the licensing team to engage with taxi proprietors for the purposes of reviewing the existing five taxi tariff cards with the aim of replacing this with a single card. This will enhance transparency and consistency across taxi fares in Shropshire, which will, in turn, increase consumer protection as it relates to the pricing of taxi journeys.
- 3.13 Equally, following the outcome of the consultation process relating to the removal of the Zones, if the Committee does support the removal of the five Zones, a separate report to address the required procedural steps that must be taken will be prepared and presented directly to the Council.
- 3.14 There are no specific consultation requirements laid down in the LGA72; nevertheless, removal of the existing five Zones is a fundamental change, particularly given, if implemented, this will require all Shropshire Council licensed Hackney Carriages to become wheelchair accessible. It is clearly good practice to consult and is in line with the Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010). Consequently, it is accepted that there is a need for the Council to consult on the removal of the existing five Zones. The details of the consultation period are set out at paragraph 6.1 below.
- 3.15 An Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken for all the groups, the impact is rated as positive; notably, with respect to the 'disability' group, the impact is rated as 'high positive' and 'age'

as ‘medium positive’. The impact is also rated as ‘medium positive’ for people for whom there are safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults, and the likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households.

- 3.16 With respect to the remaining groups, the impact, in reality, is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment took into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the ‘age’ group and vulnerable adults, e.g. adults with learning disabilities, when considering the ‘disability’ group. The full ESIIA document can be found at **Appendix B**.

4. Financial Implications

- 4.1 The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs of publishing the resolution to remove the Zones, in the event that the decision is made to do so. These costs are recovered through the licensing fees.

5. Background

- 5.1 The Council has a duty to provide for the licensing of Hackney Carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.
- 5.2 Whilst it is recognised that this duty requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers, operators and proprietors of licensed vehicles and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers.
- 5.3 Within the administrative area of Shropshire Council, there are currently five separate Hackney Carriage Zones that are defined by reference to the five district and borough council areas that existed prior to the creation of the unitary authority, namely:-

Zone 1 – Bridgnorth District Council
Zone 2 – North Shropshire District Council
Zone 3 – Oswestry Borough Council
Zone 4 – Shrewsbury & Atcham Borough Council
Zone 5 – South Shropshire District Council

- 5.4 The Public Sector Equality Duty (PSED), under the Equality Act 2010 (EA2010), requires the Council to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Furthermore, in April 2017, Sections 165 and 167 of the EA2010 were enacted giving the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. The Department of Transport (DfT) actively encourages local authorities to undertake the necessary steps to publish such a list in order to improve access to transport for wheelchair users.
- 5.5 The removal of the Zones is inextricably linked to both the PSED and the more recent change that was made to the EA2010 in April 2017. Given the responsibilities that are placed on the Council in this regard, there is a need for the Committee to seriously consider enabling Shropshire Council licenced Hackney Carriages to operate across the whole of the Shropshire Council administrative area in order to achieve the most effective outcomes for wheelchair users and, where relevant, their carers.
- 5.6 The proposed removal of the Zones aims to further promote equal transport rights for wheelchair users and, where relevant, their carers who may wish to use Hackney Carriages as a form of transport without unduly undermining the commercial operation of existing Hackney Carriage provision outside of 'Zone 4' and taking account of the PSED placed on the Council.
- 5.7 The Council also has safeguarding responsibilities, particularly in relation to tackling exploitation, including child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.
- 5.8 Directly linked to the Council's safeguarding responsibilities, the Deregulation Act 2015, whilst aiming to enable Private Hire Operators to more readily fulfil demand, has inadvertently enabled an increase in Private Hire drivers and vehicles licensed by other local authorities operating across the administrative area of Shropshire Council, i.e. cross-border hiring. This has increased the risk to public safety and has led to not only business being taken away from Shropshire Council Private Hire Operators but has also adversely impacted on the available business for Hackney Carriage proprietors. This is further compounded by the inability of Hackney Carriage proprietors to operate outside their current designated Zone.
- 5.9 Private Hire Operators are subject to robust checks in order to operate legitimate Private Hire businesses. There are a number of businesses that have traditionally operated under the Hackney Carriage regime when in reality they are operating in the same manner as licenced Private Hire Operators but without having to comply with the Council's Operator conditions. Although the law allows Hackney Carriages to conduct their business in this way, it has the potential undermine the steps that the Council implemented in 2015 to tackle child sexual exploitation and it will limit the Council's future ability to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults. Hackney Carriage

Proprietors are strongly encouraged to consider how they operate their business to ensure they meet all their safeguarding responsibilities.

6. Additional information

- 6.1 The additional consultation process will have regard to the current government consultation principles including providing for a four week period from 8 October 2018 to 4 November 2018 to receive responses. The outcome of the consultation will be brought back to the Committee for further consideration.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010)
- Deregulation Act 2015
- Equality Act 2010
- Town Police Clauses Act 1847
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Strategic Licensing Committee Report – 'Proposed Consultation on the Removal of the Five Hackney Carriage Zones' dated 20 June 2018
<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

Cabinet Member: Councillor Joyce Barrow, Portfolio Holder for Communities, Waste & Regulatory Services

Local Member: Report is applicable to the whole administrative area of the Council

Appendices:

Appendix A – Summary of Consultation Responses

Appendix B - Equality and Social Inclusion Impact Assessment (ESIIA)

Kate Roberts

From: [REDACTED]
Sent: 11 July 2018 16:55
To: Taxis
Subject: Removal of the existing five hackney carriage zones

Dear Sir/Madam,

I support the proposed removal of the five existing hackney carriage zones for the following reasons:

1. This helps taxi drivers to move and work freely anywhere within Shropshire. So, drivers could pick up a new customer on their way back home from their last drop off rather than coming back empty.
2. Drivers feel serving the whole county rather than a small zone within the county.
3. It might reduce the paperwork, cost and time spent on this issue for the council.

Thank you for providing the opportunity to share my opinion.

Kind Regards,

[REDACTED]

[REDACTED]

Kate Roberts

From: [REDACTED]
Sent: 13 July 2018 12:34
To: Taxis
Subject: [CAUTION] RE: Taxi Forum

**
** CAUTION
** It has not been possible to verify the sender of this e-mail as the sender's
** e-mail domain does not have a valid SPF record. This means the sender's
** e-mail address may be spoofed and used for SPAM or Malware distribution.
** Treat the e-mail with caution, and if in doubt contact the sender.
** If you need further help please email its.helpdesk@shropshire.gov.uk

**
Hello,

I just wanted to agree and give my support to the removal of the 5 hackney zones to make a unified Shropshire Hackney area.

My name is [REDACTED] Currently drive a Zone 3 Hackney Plated vehicle (Oswestry) [REDACTED]

Thank you,
[REDACTED]

Sent from Mail for Windows 10

From: Taxis
Sent: 13 July 2018 12:31
To: Taxis
Subject: Taxi Forum

Good afternoon to all Drivers, Operators and Proprietors,

The Licensing Team are holding a Taxi Forum on Tuesday 31st July 2018 at 10am in the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.

The forum is open to all Hackney Carriage and Private Hire Drivers, Operators and Proprietors.

The purpose of the forum is to provide trade representatives with an opportunity to discuss the contents of the proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 and also the proposed removal of the existing five hackney carriage zones. The consultation period will close on Sunday 2nd September 2018 for both consultations.

The proposed policy documents can be found using the link below;

<https://www.shropshire.gov.uk/get-involved/>

If you are unable to attend the meeting but would still like to put forward your comments please email them to Taxis@shropshire.gov.uk. Please ensure that if your commenting on both consultations that we have two separate emails please.

Kate Roberts

From: [REDACTED]
Sent: 15 July 2018 21:52
To: Taxis
Subject: Taxi consultation

Hi there dezoneing all zones in Shropshire is welcome if all vehicles come up to scratch with zone 4 compulsory wheelchair, euro 5 admissions etc, Wolverhampton cars 03/04/05 coming in our town and polluting it with terrible smoke Sent from my iPhone

Kate Roberts

From: [REDACTED]
Sent: 16 July 2018 17:55
To: Taxis
Subject: Dezoneing

Hi there I have Been a hackney carriage driver for 15 years in that time in have took 2 wheelchair jobs , may be its time to dezone Shropshire, a mixed fleet wheelchair an cars , some people would stick with wheelchair because there school jobs , let the operator choose , we are all euro 5/6 so im in favour of mixed fleet

Sent from my iPhone

Kate Roberts

From: Mandy Beever
Sent: 18 July 2018 12:54
To: Taxis
Subject: FW: Deezoning

From: [REDACTED]
Sent: 18 July 2018 12:34
To: Mandy Beever
Subject: Deezoning

Hi Mandy

Iam in fayvor of deezoning and having all Hackney carriage vehicles wheelchair access. It is a great expense to be wheelchair access to us, but yet others out of zone4 Hackney plated vehicles can get a plate for a fraction of our cost. Also if they mostly drive private hire they should be made to take TAXI sign of the roof and made to be private hire.

Just my apinon

[REDACTED]

3th August 2018

Ref ;D Zoning

Licence no [REDACTED]

TO THE LICENSING

Dear Sir /Madame

I would like to stress my feelings towards your decision of de-zoning Shropshire Zones .

I strongly don't think it's a very good Idea you contributing risk to passengers and drivers make it harder for us to work, Driving small business out, already it's getting harder you probably think it's busy over the weekends however it's not enough to pay my mortgage and bills , this is why I work two jobs. And now you trying to throw it away.and make it even harder.

I can give you quite a few true facts of how this would turn out by you making this decision;

1; giving us the opportunity to pick up jobs from other side of the boundary, It's increasing greater risk for customer safety and the driver,

2; Go cars employing drivers from outside the area and working for minimum rate which they know very little knowledge about the area and what they can and can't do when they working you only aloud to pick up booked jobs only ,you should never be available or inter act with public or display outside unless they have a booking waiting time specified waiting time they are giving us a bad impression as they can cheap why can't you

How I mean by that they giving us a bad name for example if I charge from

Wetherspoons to Llansantffraid £22.50 12.30am duration to and return fouty five minutes

[REDACTED] Wetherspoons to Llansantffraid £13.00 12.30am duration to and return fouty five minutes

Public will have mix feeling about taxis, public taxis they will think we have been charge and eventually will affect us later on. It looks good now time passes by when we won't be able to keep our to your standard all because under cutting work which means we won't make enough to keep our vehicle up to its standard .

What will happen just like Shrewsbury drivers they won't make enough to pay their way, they come over the weekends, they will be a lot of Touting and fishing with random driver's I've seen it myself and will be seeing as time goes on.

There is not enough of enforcers out over the weekend spot checks late at early hours, you lacking, this is why it's happening outside boundary drivers are coming in simply to tout at early hours

Small percentage of complaints there is not enough of wheel chair access able cars available however there is, they like to get on saloon cars rather than a wheel chair access able cars.

I strongly feel you should re-think about your decision as it's not like Shrewsbury town clubs and pubs everywhere you go , pick up and drop off, we only have one club and three pubs and a hotel it's just not enough work to go round and to purchase hackney built car it's not viable on the long run.

I purchased a hackney built car on 2015 I had a lot of problem making it work in terms of work not enough work to cover its expense.I had sell my hackney vehicle on 2017 at a lower price all because you mentioned on 2015 that you were planning that all cars from 2016 will have to be hackney vehicle I then purchased one on October 2015.

When 2016 arrived you bandand the legislation I left with two vehicle one was on the road and one was off the road with a outstanding balance £29,000.00 which I have to pay £617.00 each month until December 2017 I eventually I found a buyer he bought it off me and I payed off the outstanding balance . I can't keep making mistakes for decisions Its easy to sit behind a desk. And make decisions as you go along , now I'm sure there are other drivers are in my wave length I don't know.

With all due respect I'm only speaking how I'm feeling about the organisation.

1;Couple like to jump in a smaller car to go home quickly

2;Single person wouldn't like jump in a car than a seven seater hackney for two mile journey

To be honest it is a lot easier to manoeuvre in a car than a seven seater hackney on those country lane .

Regards [REDACTED]

Kate Roberts

From: [REDACTED]
Sent: 22 July 2018 10:31
To: Taxis
Subject: Remove the zones

Sent from my Sony Xperia™ smartphone

Kate Roberts

From: [REDACTED]
Sent: 15 August 2018 17:07
To: Taxis
Subject: About new policy

- ① Hi there I would like to say about emissions if we can go for 12 year age limit for hackney carriage and if we can also put something for back to base policy for private hire for public safety and pls if can make rules about cross boarders hire as old cars allowed and local drivers have buy low emissions cars which is discrimination as I feel now
- ② About dezone we should all have wheelchair accessible to all zones at that stage
- ③ We should have some review of fare policy part as well this fare card is five years old

Many thanks [REDACTED] Sent from my iPhone

Kate Roberts

From: [REDACTED] **Sent:** 15 August 2018 23:53
To: Taxis
Subject: Attn: Kate & Mandy- 12 Year Age Limit For Hackney Carriages

Dear Kate & Mandy,

- ① I have been informed by a colleague that I should email you at this address if I am in favour of the 12 years age limit for Hackney Carriage. I am pleased to let you know that I would be in favour of such arrangement. Many thanks for your kind consideration and I do hope my feedback help you in your decision making.
- ② In addition, with regards to the possible de-zoning where all Hackney Carriage Vehicles may be required to be wheelchair accessible; if this goes ahead, I am kindly suggesting that an exemption remain for individuals like myself. Individuals who live outside of Shropshire Council's Jurisdiction should have the option to licence a normal size Saloon car as a Hackney Carriage vehicle in all Zones except Zone 4 as it currently is. Having this option would certainly cater for individuals like myself who would like to apply for an Operator's Licence but is placed at a major disadvantage by not residing in Shropshire Council's Jurisdiction and if do decide to persist would have large overheads by paying high operational cost for renting offices etc because of being unable to use my home address for any Private Hire Operator application. Many thanks in advance and I do hope that the concerns I have raised here are strongly taken into consideration in the possibility of any change.

Kind regards

[REDACTED]

Kate Roberts

From: [REDACTED]
Sent: 14 August 2018 17:56
To: Taxis
Subject: Removal of Taxi Zones

① Hi, I have read the report on the removal of the taxi zones, I disagree with this decision.

We are based in Ludlow, and we are lucky to receive 1 call a year asking for wheelchair accessible vehicle. The people living in the area would be put off by the larger vehicle which are used for wheelchairs, as they find them difficult to get into, and we have found over the years they much prefer a normal car size. Also the cost of buying a wheelchair accessible vehicle is not cost effective for us, and we would end up having to close our business down, which would be a shame as we have a lot of elderly local people who rely heavily on us.

Also as we are a rural area, which does involve a lot of work up country lanes, the wheelchair accessible vehicle again would not be practical.

Also as we are a distance from the other Zones again it is not cost effective us travelling to these areas, where there are more taxis available in that area already.

We are a small community here, where everybody knows everyone, and the elderly people rely heavily on Ludlow taxi firms, as they know the drivers, who they like having a chat with while we help them take their shopping in, we might be the only people they see from week to week. They don't like change. What is the point in changing things where everything is running smoothly as it is.

Thanks

[REDACTED]

[REDACTED]

Kate Roberts

From: [REDACTED]
Sent: 27 August 2018 12:12
To: Taxis
Subject: Removal of Hackney carriage zones

Seems prudent, provided there is a contingency plan if commercial decision of proprietors results in much reduction of availability.

Kate Roberts

From: Gina Wilding <townclerk@ludlow.gov.uk>
Sent: 28 August 2018 15:39
To: Taxis
Subject: Removal of the existing five hackney carriage zones

Hello,

Ludlow Town Council supports Shropshire Council's proposal for the removal of the existing five hackney carriage zones.

Kind regards,
Gina

Gina Wilding BA (Hons)
Town Clerk

Ludlow Town Council
01584 871 970

www.ludlow.gov.uk

**PRIVACY NOTICE**

Ludlow Town Council collects and manages personal data under the Data Protection Act 1998 and the General Data Protection Regulations 2018. Your information will be lawfully processed by the Council within the terms of our privacy policy. To find out more about our privacy arrangements, please access the Council's website www.ludlow.gov.uk where our full Privacy Notice and Privacy Policy can be viewed.

Kate Roberts

From: [REDACTED]
Sent: 02 September 2018 18:37
To: Taxis
Subject: Removal of the existing 5 zones

Hi,

In response to your consultation which proposes the removal of the existing 5 hackney carriage zones, we would like to submit the following:-

We agree with the principal of removing the existing 5 hackney carriage zones which would result in all hackney carriages being required to provide wheelchair accessibility in their vehicles. However, if the zones are removed BEFORE each zone is converted to a 100% wheelchair accessible hackney carriage (which is proposed by 2021), it will give a significant advantage to the hackney vehicles of zones 1,2,3 and 5 who are currently able to use saloon cars as hackney carriages and will be able to ply for hire in zone 4 which is already operating a strict wheelchair accessible policy with regards to hackney carriages.

The cost and expense of purchasing and operating a Wheelchair accessible vehicle is far greater than that of a standard car which means the drivers of zone 4 Hackney's will be at a distinct disadvantage.

Alternatively, the current zone 4 drivers will simply dispose of their WAV's and replace them with saloon cars until 2021 to negate the disadvantage they will have until this date.

This means wheelchair accessible vehicles will reduce in numbers for the next three years which is essentially a backward step when considering the rights and freedoms of disabled passengers.

It would be our suggestion that each individual zone is converted to a 100% Wheelchair accessible hackney carriage fleet before the zones are removed. This would mean at the point if rezoning every proprietor is working from a level playing field.

It will also ensure there is not a sudden reduction in the numbers of wheelchair accessible vehicles in the zone 4 area as the existing drivers exchange their vehicles so less expensive and more cost effective saloon cars whilst continuing to operate in the zone 4 area whilst plying their vehicles in zones 1,2,3 or 5.

So, in summary, it is our recommendation that all hackney carriages across all 5 zones are made to be Wheelchair accessible by 2021 at which point the viability of removing the 5 zones can be reviewed again.

Kind regards,

[REDACTED]

On behalf of
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tel: - [REDACTED]

Direct: - [REDACTED]

Email: - [REDACTED]

Kate Roberts

From: [REDACTED]
Sent: 02 September 2018 22:44
To: Taxis
Subject: Re=consultation

Removal of Zones

- ① Standard of all Hackney Vehicles should be all
The same across all Zones before any Dezoning
Takes place, all Zone 4 drivers will be in favour
If that happens.

Kind regards

[REDACTED]
Zone 4 Hackney drivers

Sent from my Samsung Galaxy smartphone.

Kate Roberts

From: [REDACTED]
Sent: 22 August 2018 17:38
To: Taxis
Subject: Taxi consultation

- ① I don't we should dezone the Shropshire area's and the age limit shouldn't be less then 4 years
Get [Outlook for Android](#)

Licensing Manager
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Our Ref:
Your Ref:
Date:
Please ask for:

2 September 2018

Sent by email only to:
taxis@shropshire.gov.uk

Dear Sir / Madam,

Consultation Response of [REDACTED] and [REDACTED]

In relation to the review of the Hackney Carriage and Private Hire Licensing Policy

- ① I represent [REDACTED] which trades as [REDACTED] (hereafter referred to as [REDACTED]) and hereby respond to the consultation on Hackney Carriage and Private Hire Licensing Policy 2019-2023 on my client's behalf.
- ② Before I do so, I would like to point out that there are two separate individuals operating as [REDACTED] – one being me representing [REDACTED] and the other being [REDACTED] representing [REDACTED] and [REDACTED]. As a result you may receive conflicting responses to this consultation from two separate identities within the [REDACTED] each representing a different operator(s) with different views.
- ③ For your ease of reference, I will attempt to set out my comments in the order that they appear in the Council's draft policy document and adopting the headings therein. It should be borne in mind that the majority of the business of [REDACTED] is private hire in nature; where comments are made in relation to a topic in the policy document that relates to hackney carriages then that comment will apply equally to any corresponding passage in the policy document to private hire and vice-versa unless specifically expressed otherwise. This will allow me to adopt headings in the order they appear in the document and to avoid repeating the comments verbatim for the other licence type.

Website:

Email:

Proprietor:

Review of the Policy

- (4) The Council states at page 6 of the draft policy that trade will be encouraged to license hackney carriages that are uniform black in colour and private hire vehicles to be any colour other than black. [REDACTED] believes that this will place an unnecessary cost burden on proprietors. For example, [REDACTED] currently owns private hire vehicles that are black. These vehicles would need to be replaced or professionally resprayed: both solutions coming at significant financial cost for no good reason, as the Council already ensures that private hire vehicles do not resemble hackney carriage vehicles.

Working in partnership

- (5) The description given at paragraph 2.19 is somewhat vague and [REDACTED] would like more detail as to how this will work in practice. [REDACTED] would like to see specific target times for processing applications and Key Performance Indicators used to monitor progress and more specific details of exactly how the Council will work with other agencies and authorities.

Criminal record disclosure

- (6) [REDACTED] supports in principle the requirement that an applicant must subscribe to the DBS Update Service within 30 days of the date of the DBS certificate (it is not a report) being issued, however it is essential that the Council provide guidance and assistance for individuals who are not IT literate to enable them to subscribe to this service.

Fit and proper person

- (7) Paragraph 3a.9 requires a licensed driver to "maintain a reasonable standard of appearance." [REDACTED] support the general ethos of this provision, but thinks that in its current format this is subjective and what is reasonable to one person may not be to another. More specific guidance is required as to what the Council deems to be reasonable and ensuring that such provisions do not unnecessarily interfere with a person's religious or cultural dress.

New applications

- (8) Paragraph 3a.23 would frustrate the express parliamentary intention of section 51(1)(b) Local Government (Miscellaneous Provisions) Act 1976 which provides that a driver's licence must not be granted to someone unless they have held a driving licence for at least 12 months. Unlike many authorities, Shropshire Council can be commended for already ensuring the driving competence of those entering the trade is at an appropriate level by requiring all applicants to undertake a driving assessment with its own road safety team.

Renewal applications

- (9) [REDACTED] disagrees with comments at paragraph 3a.30 and believes that it is unlawful to refuse to determine a renewal application that is made before the expiry of the existing licence.

Knowledge Test

- (10) The knowledge test is, in principle, supported by [REDACTED], but should be delivered as part of a training day with the test at the end. Applicants would then have the opportunity of genuinely learning relevant material, rather than simply re-sitting failed tests where a certain amount of duplication in questions is bound to arise.
- (11) A failure to attend should be recorded as such and not classed as a failure to pass the test as suggested at paragraph 3a.36.

English speaking

- (12) The standard of English described in paragraph 3a.67 is too subjective. While the ability to communicate with a passenger orally is necessary in order to do the job of a licensed driver properly, the standard required needs to be accurately defined.

Plying for hire

- (13) Paragraph 3a.77 states that drivers of private hire vehicles must not 'ply for hire.' This term (and its legal implications) should be explained to applicants by the Council as part of the one day training that [REDACTED] suggests should form part of the knowledge test (see above).

Unattended vehicles

- (14) Paragraph 3a.84 is poorly drafted and would mean that a driver could never park their vehicle in a street when not using the vehicle.

Hackney carriages - Relevant licensable area and transitional arrangements

- (15) [REDACTED] agrees with the general principle of ensuring that all hackney carriages are wheelchair accessible by April 2021. However, the relevant licensable area identified at paragraph 3b.6 should not be changed until all hackney carriages are wheelchair accessible. To do otherwise would mean that the saloon hackney carriages that currently cannot ply for hire in the Shrewsbury hackney carriage zone would immediately be allowed to do so and would be allowed to continue to do so until April 2021. This will undermine the financial viability of the existing Shrewsbury zone wheelchair hackney carriages and could result in the numbers being reduced, rather than increasing the numbers across the whole of the

county. It is suggested that zones should not be removed until April 2021 and the validity of removing them revisited at that time.

Vehicle specifications

- (16) The proposed vehicle specifications for hackney carriage (paragraphs 3b.33 to 3b.35) and private hire vehicles (paragraphs 3c.26 to 3c.29) cause the greatest concern to [REDACTED]. The following paragraphs, if implemented, will result in owner-drivers and vehicle proprietors licensing themselves and their vehicles with other authorities whose vehicle specifications are not set inappropriately aspirationally high. All the large operators in Shropshire, including [REDACTED], are licensed with other authorities so the drivers who migrate from Shropshire Council will be able to continue to work in Shropshire, undertaking work booked with a Shropshire licensed operator, but subcontracted by them to a satellite office they operate in another authority's area. [REDACTED] would prefer to operate a fleet of vehicle and drivers licensed exclusively through Shropshire Council but that is not commercially viable when it is often quicker, cheaper and easier for drivers and / or vehicles to be licensed by another authority. Licensing with other authorities is already a feature of the local private hire trade and if the Council proceeds to implement its current proposals, the situation will be exacerbated and could result in Shropshire Council licensed private hire operators subcontracting all bookings to satellite offices licensed by other councils, because there will be no Shropshire Council licensed private hire vehicles.
- (17) • The vehicle specifications are in a series of complex tables that are two and a half pages long in respect of each vehicle type. This information needs to be given in a much more clear and easily understandable format so that any proprietor can look at the table and ascertain the long term position for a particular vehicle over a period of years.
- (18) • The vehicle specifications suggested are far too restrictive in terms of vehicle emissions and age limits. For example, cities such as Birmingham that are required by government to introduce a Clean Air Zone have less onerous restrictions on emission and age limits. The suggested restrictions are disproportionate and unreasonable.
- (19) • [REDACTED] suggests that vehicles up to 10 years old should be licensed, whether new applications or renewals. Any vehicle manufactured in the last 10 years is capable of being used as a private hire vehicle at any point in that timeframe. The vehicle test is, quite rightly, the mechanism by which roadworthiness and safety is assessed. A vehicle will either pass it or it will not. Age does not determine roadworthiness or safety.
- (20) • In terms of emissions, the current MOT has just been updated to ensure more stringent emission values are met. The current MOT will ensure that the Council's current emission standards are maintained and there is no need to set the highest / most restrictive emission standards for the hackney carriage and private hire trade in the country – if it is not necessary for Birmingham, it can never be said that it is reasonably necessary for Shropshire.

- (20) • New diesel vehicles will need to be registered on or after 1 September 2016, meaning they will have to be three years old or newer and, by virtue of the age, Euro 6 compliant. This will place a great and unjustifiable financial burden on proprietors.
- (21) • Diesel vehicles facing renewal between 1 April 2019 and 31 March 2020 must be registered on or after 1 September 2010, meaning vehicles presented for renewal in April 2019 must be less than 9 years old. Again this is too restrictive and places an unnecessary financial burden on proprietors. [REDACTED] suggests a practical compromise: that if any vehicle presented for renewal in April 2019 must be less than 9 years old then from 2020 onwards vehicles at renewal are allowed up to 10 years old.
- (22) The specification table goes on to show the renewal position in 12 month periods going forward from 1 April 2020 to 31 March 2021, from 1 April 2021 to 31 March 2022, and 1 April 2022 to 31 March 2023 respectively. The vehicle age limit for vehicles presented for renewal jumps by 2 years in each 12 month period: date of first registration must be on or after 1 September 2012, then on or after 1 September 2014 and then finally on or after 1 September 2016 respectively. This is unnecessary: diesel vehicles presented for renewal between 1 April 2022 and 31 March 2023 can only be up to five and a half to six years old. Vehicles up to 10 years old should be licensed as described above. The proposed specification puts great pressure on proprietors to go into debt in order to purchase a vehicle that meets an unnecessarily restrictive age standard.

Taximeters

- (24) The calibration of taximeters stipulated at paragraph 3b.48 should be carried out on the initial vehicle licence application and not at every renewal, although taximeters should be visually checked for signs of tampering and a calibration check undertaken only if there appears to have been any tampering with the taximeter.

MOT requirements

- (25) [REDACTED] agrees with the requirements set out at 3b.49, but is of the opinion that the MOT is suitable, when applied in the manner described, for ascertaining vehicle fitness and so paragraph 3b.49 should be implemented without the suggested vehicle age restrictions in the tables headed 'vehicle specifications.'

Transfer of a licence

- (26) Paragraph 3b.66 should be headed 'change of vehicle' to distinguish between a change of vehicle and a genuine transfer of licence which is a transfer of owner.
- (27) [REDACTED] agrees with the Council that, if a licensed vehicle is written off by an insurer following an accident, the proprietor will be entitled to replace the written

off vehicle with, in effect, a like-for-like vehicle, as long as it is no older than the written off vehicle and meets the emission standards and NCAP safety requirements that applied to the written off vehicle. In other words, 'grandfather rights' shall apply to the replacement vehicle.

- (28) The Council is asked to also extend these 'grandfather rights' to a vehicle that replaces one that has suffered a serious or catastrophic mechanical failure that is, like an insurance write off, beyond economical repair.

Executive private hire vehicles

- (29) [REDACTED] agrees with paragraph 3d.5

Drivers of executive private hire vehicles

- (30) Paragraph 3f.21 is unnecessary. Why should drivers of executive vehicles need a higher standard of driving than that applied to the driver who carries the public daily in a non-executive vehicle? As far as [REDACTED] is concerned, all drivers should be safe, competent drivers, if they have passed the Council's driving assessment.

Operator Premises

- (31) [REDACTED] agrees with paragraph 3f.48, 3f.49 and 3f.50.

List of designated wheelchair accessible vehicles.

- (32) [REDACTED] agrees with paragraph 3f.70 but is of the view that a similar duty must be imposed on the Council in respect of hackney carriage drivers (many of whom do not work for an operator and would therefore need to receive the advice from the Council).

Employment of private hire drivers and other staff

- (33) [REDACTED] believe that the heading of this section beginning at 3f.29 is misleading: private hire drivers are largely self-employed and therefore not in the employment of a private hire operator.

- (34) In relation to paragraph 3f.29, an operator should only be responsible for the actions of an employee while they are at work for that operator. An operator cannot reasonably be held responsible for anything an employee might do outside of work, although it is acknowledged that any such behaviour, as is known by an operator, may give rise to disciplinary proceedings being brought against the employee.

- (35) In relation to paragraphs 3f.32 and 3f.33 [REDACTED] are not against the suggestion of ensuring office based employees have undertaken a basic criminal

record check but believe that the Council needs to set out clearly in this paragraph exactly what it seeks to achieve by this requirement. Furthermore, an operator cannot be responsible for ensuring independent contractors have undertaken this check: if for example there was a problem with the telephone system and a telephone contractor was requested to attend urgently to fix the problem, it would be unreasonable to insist they complied with this requirement.

- (36) In relation to paragraph 3f.35 the training referred to should be provided by the Council as part of the suggested knowledge test training.
- (37) The CSE training detailed in paragraph 3f.36 is also something which should be provided by the Council or a Council approved training provider. [REDACTED] would be happy to ensure all employees attend and would be happy to pay the reasonable cost of attending the training. This would ensure a consistent standard of training.
- (38) Paragraph 3f.37 serves no purpose. All operators will naturally want to ensure high levels of customer service. Unless a standard is specified, how can this paragraph be complied with?
- (39) [REDACTED] strongly supports the operator ensuring drivers do not work excessively long periods of time as detailed in paragraph 3f.39. It is hoped that guidance could be given to driver applicants as part of the knowledge test and guidance issued to all existing licensed drivers and operators.

Designated person

- (40) In relation to paragraph 3f.45 the Council should issue reminders to an operator bi-annually in order to remind them and give them opportunity to comply.

Standards of service

- (41) Paragraphs 3f.56 and 3f.57 are strongly opposed: they seek to frustrate the intention of Parliament by removing or restricting the ability to subcontract expressly given to an operator by virtue of the recently (2015) introduced section 55A of the Local Government (Miscellaneous Provisions) Act 1976.
- (42) Paragraph 3f.58 is opposed as it would require an operator to publicise commercially sensitive information. An operator should be required to give the fare for a particular journey to a prospective customer or to anyone who has placed a booking.

Plying for hire

- (43) The first bullet point of paragraph 1.17 of Appendix B is unnecessary as it simply states the law. The second bullet point is problematic as there needs to be a means by which a driver can pass a booking from a passenger they are already carrying to their operator in order to arrange for the customer's return booking for a

later journey. To prohibit this, as the Council seeks to do, is to force drivers and operators to provide the poorest levels of customer service when the Council also seeks to encourage, if not require, drivers and operators to provide high levels of customer service. This situation is different to, and can be distinguished from, the situation in which a driver may be asked by a potential customer to place a booking for an immediate hire from the driver's location, which is the conduct it is assumed the Council wishes to clearly and unequivocally categorise as plying for hire and to prohibit.

Parking between bookings

- (44) Paragraph 1.32 of Appendix B is unworkable. While it is appreciated that private hire vehicles should not be parking immediately outside of pubs and nightclubs at busy times, it is difficult at certain times of the day not to park "in the vicinity of restaurants, cafes and similar establishments." Indeed, as currently written, it would appear to prohibit, if read literally, a driver of a private hire vehicle going to a drive through takeaway restaurant to buy themselves a meal between jobs. It is respectfully suggested that the Council should simply state that vehicles should be lawfully parked and not cause a nuisance.

Advertising

- (45) [REDACTED] strongly disagrees with paragraph 1.22 of Appendix C. Advertising for "executive services" or any similar wording should be allowed. The public perception of the word executive is very different from the licensing definition. Many hackney carriage proprietors (and private hire operators) have very high quality vehicles that are not used exclusively for executive work and are therefore not licensed as executive vehicles but these vehicles are often requested and supplied to, for example, commercial customers wanting a taxi or private hire vehicle that is of a higher standard than the average taxi for a business journey.
- (46) It is agreed that the word "executive" should not appear in the trading name of the operator or proprietor involved (unless they only utilise executive licensed vehicles) where it would imply that the sole or substantial part of the business was executive hire.

MOT

- (47) Paragraph 1.39 of Appendix C is unreasonable. Advisory items are advisory for a reason: these items have passed the MOT and comply with legal requirements. The advisory notice quite properly draws these items to the proprietor's attention. It is suggested that, if the Council implements such a requirement, the period of time given to rectify such advisory items is a minimum of 30 days.

Insurance

- (48) Paragraph 1.39 of Appendix F does not accommodate 'any driver' insurance policies. While rarer than they were some years ago in the taxi industry, they do exist and it is therefore impossible to comply with this paragraph. To purport to interfere in the commercial arrangements between an insurer and their insured is an unlawful and unnecessary interference, which serves no purpose.
- (49) Paragraph 1.19 of Appendix G should not be included in the private hire operator conditions of licence, because whilst the operator may also be the owner of a fleet of vehicles, they need not be and this is properly the responsibility of the person / company that is the vehicle proprietor. In the circumstances, this condition should begin by referring to 'proprietors' and be included in the private hire vehicle / executive private hire vehicle / novelty private hire vehicle conditions of licence.

Employment of private hire drivers and staff

- (50) [REDACTED] objects to the term "employ" in respect of self-employed private hire drivers at the heading of paragraph 1.1.
- (51) [REDACTED] disagrees with paragraph 1.6 in respect of drivers: all drivers are required to demonstrate that they are properly licensed by the relevant Council. This requirement is sufficient to establish that a driver is fit and proper.
- (52) [REDACTED] disagrees with paragraph 1.10. While the principle is supported, the teaching of the meaning of 'plying for hire' should form part of the test within the driver application process.
- (53) The training detailed in paragraph 1.12 should be provided by the Council and operators should pay the reasonable cost of attending this course. This would avoid different training providers providing different levels of teaching to those trying to comply with this requirement.

Operator's premises

- (54) Paragraph 1.22 should stipulate two vehicles or less, not three. Once a new business gets beyond two vehicles, it is the opinion of [REDACTED] that a dedicated booking taker should be engaged. In addition, accepting and making a record of bookings away from the premises encourages calls to be answered and notes to be taken while driving, potentially distracting the driver. If this was allowed for three vehicles, and for example, each vehicle had two drivers (one per shift) then there could be six separate sets of booking records. It is the view of [REDACTED] that this freedom to accept bookings anywhere within the county should only be available to those operating two or less vehicles from a residential address. Any operator operating from a commercial address should have a dedicated call-taker irrespective of how few vehicles they may be operating.

Taking bookings and maintaining records

- (55) Paragraph 1.29 of Appendix G is contrary to section 55A of Local Government (Miscellaneous Provisions) Act 1976 and should be removed for the reasons already explained under the heading 'Standards of service.'

Use of the words 'taxi', 'cab' and 'hire' in advertisements

- (56) Paragraph 1.56 of Appendix G should allow the use of the word 'taxi' when describing a business. While it is appreciated that the Council may not want the word to appear on a vehicle to maintain the difference between hackney carriages and private hire vehicles, the term 'taxi' has become generic and the public, when telephoning a private hire operator, always ask to book a 'taxi'. The ASA (Advertising Standards Authority) has held that a private hire operator may advertise using the word taxi when clearly inviting advance bookings, because this does not cause confusion with hackney carriages that may be subject to immediate hire.

- (57) If I can assist by clarifying and expanding upon anything herein, please do not hesitate to contact me. Thank you in anticipation of the careful consideration we trust will be given to the matters raised herein by you and, in due course, the Members of the Strategic Licensing Committee.

Yours faithfully,


[REDACTED]

Email:

Mobile:

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Appendix A

Officer response to consultation response received

Appendix Letter/ Document Number	Para. No.	Supporting Proposals (SP), Not Supporting Proposals (NSP) or Not Applicable (NA)	Officer Comments Explanatory Notes	Zone
1	1	SP	Response fully supports the removal of the five hackney carriage zones.	PH – Shifnal 1
2	1	SP	Response fully supports the removal of the five hackney carriage zones.	3
3	1	SP	Response fully supports the removal of the five hackney carriage zones	4
4	1	SP	Response fully supports the removal of the five hackney carriage zones as per Document 3 – Duplicate consultee as per Document 3. Consultee notes that a private hire mixed fleet would be determined by the nature of the work undertaken.	4
5	1	SP	Response fully supports the removal of the five hackney carriage zones. Consultee is in support of the Proposed Consultation on the Removal of the Existing Five Hackney Carriage Zones, paragraph 3.9 which promotes a commercial decision to those proprietors operating hackney carriages as though they were a private hire business and be subject to the private hire regime for both vehicles and operators	4
6	1	NSP	Response does not support the removal of the five hackney carriage zones	3
7	1	SP	Response fully supports the removal of the five hackney carriage zones.	4
8	1	NA	Response is specific to the consultation on the proposed Hackney	4

			Carriage and Private Hire Licensing Policy 2019-2023 and has been included as part of that consultation	
8	2	SP	Response fully supports the removal of the five hackney carriage zones.	4
8	3	NA	There will be a requirement to review the fare card if the removal of the existing five hackney carriage zones is approved. If however, the decision is taken to retain the existing five hackney carriage zones, the existing five fare cards may be reviewed at that time at the request of the trade.	4
9	1	NA	Response is specific to the consultation on the proposed Hackney Carriage and Private Hire Licensing Policy 2019-2023 and has been included as part of that consultation	4
9	2	NA	The Local Government Act 1972 allows the local authority to pass a resolution to remove hackney carriage zones. The requirements of this Act permits a local authority to remove all zones or to accept the situation as it is. There is no power available to either merge some zones to create a smaller number or to create new zones. Therefore exemptions would not be permitted.	4
10	1	NSP	Response does not support the removal of the five hackney carriage zones	5
11	1	SP	Response supports the removal of the five hackney carriage zones and comments noted in regard to the commercial decision	
12	1	SP	Response fully supports the removal of the five hackney carriage zones	
13	1	SP	Response fully supports the removal of the five hackney carriage zones. Consultee proposes that all hackney carriages across the existing five zones are made wheelchair accessible by 2021 this will ensure hackney carriages in zones 1,2,3 and 5 do not have an advantage over the hackney carriages in zone 4 who are already wheelchair accessible.	4
14	1	SP	Response supports the removal of the five hackney carriage zones. Consultee proposes that all hackney carriages across the existing	4

			five zones are made wheelchair accessible before the removal of the existing five hackney carriage zones	
15	1	NSP	Response does not support the removal of the five hackney carriage zones	
16	1-14	NA	Response is specific to the consultation on the proposed Hackney Carriage and Private Hire Licensing Policy 2019-2023 and has been included as part of that consultation	
16	15	SP	Response fully supports the removal of the five hackney carriage zones. Consultee proposes that all hackney carriages across the existing five zones are made wheelchair accessible by 2021 this will ensure hackney carriages in zones 1,2,3 and 5 do not have an advantage over the hackney carriages in zone 4 who are already wheelchair accessible.	4
16	16-57	NA	Response is specific to the consultation on the proposed Hackney Carriage and Private Hire Licensing Policy 2019-2023 and has been included as part of that consultation	

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Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change:

Removal of the existing five taxi zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council.

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A ***full report (Part Two)*** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision

to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Removal of the existing five taxi zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council.

Aims of the service change and description

Aims

To further promote equal transport rights for wheelchair users in Shropshire and, where relevant, their carers who may wish to use taxis (hackney carriages) as a form of transport without unduly undermining the commercial operation of existing taxi provision outside of 'zone 4' (this area being defined by reference to the previous Shrewsbury & Atcham Borough Council area) and taking account of the Public Sector Equality Duty (PSED) placed on Shropshire Council ('the Council').

To create a single area that would permit Shropshire Council licensed taxis to operate across the whole of the administrative area of the Council rather than being restricted to the zone for which they are currently licensed.

To ensure all taxis (not only those currently licensed to operate in 'zone 4'), licensed by the Council in the future, are wheelchair accessible.

To protect the safety of the public.

Description

The control of taxi licensing is currently based on the regimes that existed within the previous district and borough councils prior to the formation of Shropshire Council in 2009; hence, within the administrative area of Shropshire Council, there are currently five separate taxi zones that are defined by reference to the five previous district and borough council areas, namely:-

- Zone 1 – Bridgnorth District Council
- Zone 2 – North Shropshire District Council
- Zone 3 – Oswestry Borough Council
- Zone 4 – Shrewsbury & Atcham Borough Council
- Zone 5 – South Shropshire District Council

The removal of the zones is inextricably linked to both the Public Sector Equality Duty (PSED) and the more recent enactment of Sections 165 and 167 of the Equality Act 2010 that gave the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. Given the responsibilities that are placed on the Council in this regard, there is a clear need for the Council to enable Shropshire Council licenced taxis to operate across the whole of the Shropshire Council administrative area in order to achieve the most effective outcomes for

wheelchair users and, where relevant, their carers.

The Council has a duty to provide for the licensing of taxis under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must also provide for the licensing of private hire drivers, vehicles and operators.

The Council has the legal power to remove the five existing taxi zones and this is set out in provisions within the Local Government Act 1972; there is no power to re-create the five zones, or any other combination of zones, once the existing zones are removed.

Whilst it is recognised that the duty to provide for the licensing of taxis requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers, operators and proprietors of licensed vehicles and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers

The Deregulation Act 2015, whilst aiming to enable private hire operators to more readily fulfil demand, has inadvertently enabled an increase in private hire drivers and vehicles licensed by other local authorities operating across the administrative area of Shropshire Council, i.e. cross-border hiring. This has increased the risk to public safety and has not only led to business being taken away from Shropshire Council private hire operators, but also adversely impacted on the available business for taxi proprietors. This is further compounded by the inability of taxi proprietors to operate outside their current designated zone.

Private hire operators are subject to robust checks in order to operate legitimate private hire businesses. There are a number of businesses that have traditionally operated under the taxi regime when in reality they are operating in the same manner as licenced private hire operators, but without having to comply with the Council's operator conditions. Although the law allows taxi proprietors to conduct their business in this way, it has the potential to undermine the steps that the Council implemented in 2015 to tackle child sexual exploitation and it will limit the Council's future ability to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults. Taxi proprietors are being strongly encouraged to consider how they operate their business to ensure they meet all their safeguarding responsibilities.

In practice, the removal of the zones will require existing taxi proprietors to make a commercial decision based on whether they want to operate wheelchair accessible taxis, in which case the Council will support them to do so by publishing their contact details on the Designated List of Wheelchair Accessible Vehicles, or alternatively to focus on being a private hire business and be subject to the private hire regime for their vehicles and to the relevant private hire operator conditions.

The practical impact of the removal of the zones is reflected in the proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023, which has been the subject of a separate consultation. Full details of the proposed policy are available in the papers that were presented to the Council's Strategic Licensing Committee on the 20 June 2018 at Agenda Item 14 (see link below). The outcome of the consultation will be presented to the Committee at a later date.

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

Intended audiences and target groups for the service change

- Persons who wish to apply for taxi and private hire vehicle, drivers or operator licences
- Persons who hold existing licences, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal panel (or other relevant decision making bodies)
- Licensing consultants, solicitors and barristers advising and/or representing applicants/license holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public, particularly those with disabilities, who use/rely on taxi/private hire services, irrespective whether this is because they live, visit or work in Shropshire
- Other local authorities, particularly Telford & Wrekin Council, City of Wolverhampton Council and others that border the Shropshire Council area
- Shropshire Safeguarding Children Board
- Shropshire Council Children Services
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Adult Services
- Shropshire Council Highways and Transport (Passenger Transport and Environmental Maintenance Teams)
- Shrewsbury Business Improvement District
- Oswestry Business Improvement District
- Shropshire Voluntary and Community Sector Assembly
- Voluntary Groups/Organisations, particularly those who represent, work with or provide services for disabled people
- Shropshire Tourist Board
- Police forces, in particular West Mercia Police
- Police and Crime Commissioner
- Shropshire located Town and Parish Councils
- Shropshire MPs

Evidence used for screening of the service change

The number of Shropshire Council licensed vehicles that are currently wheelchair accessible is 77; 59 are taxis and 18 are private hire vehicles. There are a further 77 licensed taxis and 720 licensed private hire vehicles that are currently not wheelchair accessible.

There is no single source of data that gives a true or reliable picture of the number of wheelchair users in Shropshire; however, a report using data from the 2011 census estimates there are 6,129.

https://www.musculardystrophyuk.org/assets/0001/0981/Stand_Up_And_Be_Counted.pdf

In April 2017, Sections 165 and 167 of the Equality Act 2010 were enacted giving the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. The Department of Transport (DfT) is actively encouraging local authorities to undertake the necessary steps to publish such a list in order to improve access to transport for wheelchair users (see reference to DfT letter of 30 July 2018 below).

Continuous lobbying from disability groups highlighting the lack of availability of suitable wheelchair accessible vehicles in Shropshire.

Complaints, and subsequent investigations by the Council's Trading Standards & Licensing

Service, concerning licensed drivers that have discriminated against wheelchair users.

Government's recently published Inclusive Transport Strategy and the clear evidence that there is an increasing expectation for transport strategies to provide inclusive transport solutions for disabled passengers.

Letter (30 July 2018) from the DfT to the Council highlighting the publication of the Inclusive Transport Strategy and including specific reference to actions that the DfT expects the Council to take in relation to improving the accessibility of taxi and private hire vehicles, specifically:

- Publishing lists of taxis and PHVs designated as being "wheelchair accessible" for the purposes of Section 167 of the Equality Act 2010.
- Prosecuting drivers for discriminating against assistance dog owners and wheelchair users, where sufficient evidence exists to do so, and applying appropriate licensing sanctions.
- Reviewing the demand for wheelchair accessible taxis and PHVs in Shropshire, and taking steps to ensure that the composition of fleets reflects this need.
- Requiring all taxi and PHV drivers to complete disability awareness training.

An increasing number of vehicles, licensed by other neighbouring local authorities that do not have the same requirements in place as Shropshire Council, are now operating in Shropshire. The extent of this increase is not known for certain, although officers undertaking enforcement exercises in Shropshire have noted up to 50% of the vehicles checked are licensed by other local authorities. In addition, the overall number of vehicles licensed by Shropshire Council is on a downward trend.

Information contained in the DfT's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010)

Specific consultation and engagement with intended audiences and target groups for the service change

The Council's Strategic Licensing Committee has overseen the proposal to remove the existing five taxi zones. The Committee is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 13 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

A public consultation in respect of the proposed change was undertaken over a 10 week period from 25 June 2018 to the 2 September 2018.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms, hard copy inserts informing driver, proprietor and operator applicants and licence holders were included in all renewal reminder correspondence and with issued licences; links to the consultation were also embedded into all emails sent out from the generic 'taxis' email address and from individual officers involved in taxi and private hire

licensing.

Details of the consultation were also sent directly, by email, to:

- All hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record
- Shrewsbury Tourism
- Competition and Markets Authority
- Oswestry Access Group
- Shropshire Disability Network
- West Mercia Police
- Shropshire Fire and Rescue Service
- Shropshire Council Adult Safeguarding
- Shropshire Council Children Safeguarding
- Neighbourhood Authority Working Group and Regional Taxi Licensing Forum (which included Telford & Wrekin Council and City of Wolverhampton Council)
- Shropshire Council Regulatory Services and Trading Standards & Licensing managers
- Shropshire Council Passenger Transport Team
- Director of Public Health

The consultation welcomed and encouraged feedback on the proposal to remove the existing five taxi zones and to replace this with a single taxi licensing regime throughout the administrative area of Shropshire Council.

Full details of the responses, together with the analysis of those responses with officer comments and explanatory notes, will be included in the report that is due to be considered by the Strategic Licensing Committee on the 3 October 2018. A summary of the responses is set out below.

There were 16 responses received following the consultation; 1 of which was not relevant. Of the 15 relevant responses, a significant majority (80%) were in full support of the removal of the existing five taxi zones citing advantages that would benefit both passengers and the trade. The supporting responses were received from taxi proprietors (or their representatives) who are currently licensed to operate in zones 3, 4 and 5, together with responses from a private hire operator/driver based in zone 1, a member of the public who resides in zone 4 and a town council in zone 5. No responses were received from anyone linked to zone 2 and no taxi proprietors that currently operate in zones 1 or 2 responded. The 20% of responses that were against the proposal to remove the existing zones were based on localised economic impacts linked to the wider licensing changes that have occurred over the previous three years rather than as a direct result of removing the zones in the future.

The initial proposal to remove the existing five zones was based on an implementation date of 1 April 2019 with a two year transition period to allow the trade to undertake appropriate financial business planning and for all taxis to be wheelchair accessible by 31 March 2021. However, feedback from the consultation suggested that this would give the taxi proprietors in zones 1, 2, 3 and 5 (who don't already have wheelchair accessible taxis) an unfair economic advantage over proprietors in zone 4 who currently do have wheelchair accessible taxis. As a result, it is now proposed that any decision to remove the existing zones should still be made in 2018/19, but with an effective implementation date delayed until 1 April 2021. This means that the trade will still have a two year transition period, but the taxi proprietors in zone 4 will not face immediate competition from existing proprietors in zones 1, 2, 3 and 5 as all

proprietors will continue to operate in their current zones until 31 March 2021. The taxi proprietors who currently operate in zones 1, 2, 3 and 5 will, however, be fully aware that they have two years to upgrade their taxis to accommodate wheelchairs or to take a business decision not to do so and instead licence their vehicles under the private hire regime. If proprietors upgrade their vehicles, this will clearly increase the number of wheelchair accessible vehicles operating in Shropshire. However, if they opt for the latter position, the number of wheelchair accessible vehicles will not increase; however, equally this approach will not reduce the number of accessible vehicles, and, significantly, under the private hire regime, the Council will be in a position to enhance its safeguarding checks on more vehicle proprietors and drivers, providing they remain with Shropshire Council and do not apply to be licensed by another Council with less robust policies in place.

This proposed amendment to the implementation date will also provide a longer lead in time for the licensing team to engage with taxi proprietors for the purposes of reviewing the existing five taxi tariff cards with the aim of replacing this with a single card. This will enhance transparency and consistency across taxi fares in Shropshire, which will, in turn, increase consumer protection as it relates to the pricing of taxi journeys.

Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
 - fostering good relations?
 - social inclusion?

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic	High	High	Medium	Low positive
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groups and other groups in Shropshire	negative impact Part Two ESIIA required	positive impact Part One ESIIA required	positive or negative impact Part One ESIIA required	or negative impact Part One ESIIA required
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			✓	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)		✓		
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)			✓	

Guidance on what a negative impact might look like

High	Significant potential impact, risk of exposure, history of complaints, no mitigating
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Negative	measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change

For all the groups, the impact is rated as positive; notably, with respect to the 'disability' group, the impact is rated as 'high positive' and 'age' as 'medium positive'. The impact is also rated as 'medium positive' for people for whom there are safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults, and the likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households.

With respect to the remaining groups, the impact, in reality, is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment took into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group.

Licensing staff will write to all existing taxi proprietors to advise them of the outcome of the Strategic Licensing Committee following the meeting on 3 October 2018. If the Committee agree that the existing zones ought to be removed, to give legal effect to this, a separate report to address the required procedural steps will be prepared and presented to full Council. This will ensure all Council Members are aware of the proposals to remove the existing five zones and afford every Member with the opportunity to review and enhance the process that has already been overseen by the Strategic Licensing Committee prior to the Council making a final decision. This will also afford all stakeholders a further opportunity to provide feedback to Council Members prior to, and as part of, the forthcoming Council meeting in accordance with relevant Council meeting procedural rules.

Prior to the Council removing the zones, there is a legal requirement to give notice of the Council's intention to do so, including making clear the date upon which the removal of the zones will take effect. The effective date must be at least one month after the date the Council agrees the resolution. Giving notice must be undertaken by advertising the details in the Shropshire Star newspaper for two consecutive weeks and by serving a notice on every parish and town council in the administrative area of Shropshire Council. The service of the notice on the parish and town councils must be no later than the date on which the advertisement in the Shropshire Star is first published. This process, in effect, legally requires the Council to widely publicise its intention to remove the zones, thus helping to ensure the public and wider stakeholders across the county are aware of the change. The legal requirements will be supplemented by additional voluntary information provided on the Council's website and through both corporate and service social media messaging.

The transitional arrangements to implement and address the impact of the removal of the zones will be incorporated into the Council's revised Hackney Carriage and Private Hire Licensing Policy 2019 – 2023, which is subject to a separate consultation and will be due to take effect from the 1 April 2019. Applicants and licence holders, including those who are not already aware of the revision of this policy as a result of the consultation undertaken between June to September 2018, will be made aware of the implementation of the revised policy through normal licensing processes and it will be available on the Council's website. This will ensure that the taxi and private hire trade, together with the public and other relevant stakeholders, have ongoing access to the policy that clearly sets out the Council's expectations for applicants and licence holders over the next four years as it relates to the licensing of wheelchair accessible vehicles and the wider taxi and private hire licensing regime. Licensing staff will remind all taxi proprietors by email/letter of the transitional arrangements at appropriate intervals throughout the transitional period to ensure that all those who want to continue to operate a licensed taxi from 1 April 2021 are able to do so in accordance with the wheelchair accessibility requirements.

Proactive and visible enforcement of the requirements of relevant legislation, particularly Sections 165 and 167 of the Equality Act 2010, will further enhance the positive impact of the removal of the zones. Any complaints/information that indicate licensed drivers are discriminating against wheelchair users, will be fully investigated by the Trading Standards & Licensing Service, and, where sufficient evidence exists and it is in line with the Council's Better Regulation and Enforcement Policy, legal proceedings will be pursued, together with the application of the full range of licensing sanctions, including licence revocation, where this is proportionate. In addition, the work that is currently ongoing to publish the Council's Designated List of Wheelchair Accessible Vehicles prior to the end of 2018 will also enhance the positive impact of the change.

Removal of the existing zones will not lead to a reduction in wheelchair accessible vehicles in Shropshire; those that are already wheelchair accessible (both taxi and private hire) will remain accessible. If taxi proprietors who currently operate outside of zone 4 decide not to change their taxis so that they are wheelchair accessible, they will re-lodge as non-wheelchair accessible private hire vehicles, i.e. the accessibility of the vehicle will remain the same. The only practical implication is that those vehicles that are then licensed as private hire vehicles cannot then be 'hailed' in the street; however, this has never been the primary way that taxis are used in Shropshire. With the exception of Shrewsbury, in the majority of cases, passengers pre-book taxis in the same way as they are legally required to do for private hire vehicles.

To further enhance the positive impact, there is a commitment to continue to work with the trade on a voluntary basis to further understand and address vehicle accessibility issues across the taxi and private hire fleet in line with Government expectations set out in the Inclusive Transport Strategy.

Actions to review and monitor the impact of the service change

Whilst there will be ongoing opportunities to review and monitor the impact of the removal of the existing five zones, the procedural steps described in the ‘Actions to mitigate negative impact or enhance positive impact of the service change’ section above are important, because, once the zones are removed, the Council has no power to re-introduce the existing five zones or to create any other combination of zones; hence, should any adverse impacts arise as a result of the removal of the zones, they will have to be addressed through alternative solutions.

There will be opportunities for ongoing dialogue with the trade through direct contact and ‘Taxi Forums’ or similar meetings that will provide the opportunity for the trade to provide feedback to the licensing team. A dedicated telephone number and email address is and will continue to be generally publicised on the Council’s website for other stakeholders, including disability organisations and members of the public (able-bodied, wheelchair users and those with other disabilities), to provide feedback on the impact of the removal of the existing five zones. In addition, these contacts, together with social media contacts, will be publicised in taxi and private hire vehicles to encourage passengers to provide feedback to the Council. All feedback will be recorded either on the Idox system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Licensing staff will be able to monitor the number of wheelchair accessible vehicles, both taxis and private hire, through the administration of the vehicle licensing process. Wheelchair users, carers and disability groups will be able to find out about the availability of wheelchair accessible vehicles by accessing the Council’s Designated List of Wheelchair Accessible Vehicles and provide feedback to licensing staff and to elected Members accordingly.

Licensing staff will work with wheelchair users and disability groups to determine the most appropriate mechanisms to distribute and provide access to the Designated List of Wheelchair Accessible Vehicles to ensure those who need the information actually have access to it. They will also continue to work with the taxi and private hire trade to respond to any feedback that is provided, including taking steps to advise, assist and provide guidance to the trade in order to facilitate an increase in the number of wheelchair accessible vehicles operating in Shropshire.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees, as appropriate. This will include reports detailing any issues/concerns that arise as a result of the information that is published on the Council’s Designated List of Wheelchair Accessible Vehicles.

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening Frances Darling – Trading Standards & Licensing Operations Manager</i>		19 September 2018
<i>Any internal support* Mandy Beever – Transactional and Licensing Team Manager Kate Roberts – Public Protection Officer (Professional)</i>	 	20 September 2018 20 th September 2018
<i>Any external support** Lois Dale – Rurality and Equalities Specialist</i>		19 th September 2018
<i>Head of Service Rod Thomson – Director of Public Health</i>		20 th September 2018

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name Frances Darling – Trading Standards & Licensing Operations Manager</i>		20 September 2018
<i>Head of Service's name Rod Thomson – Director of Public Health</i>		20 th September 2018

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- mitigate negative impact or enhance positive impact of the service change,
- AND*
- review and monitor the impact of the service change

Please try to ensure that:

- Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;
- The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	8
3 October 2018	Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing - Team Manager
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle and operator licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 1 June 2018 and the 31 August 2018 and a summary of applications considered by committee.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:
 - a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.

- b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences and refusal, suspension or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 1 June 2018 and the 31 August 2018. During this period the total number of licences processed was 1314.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 June 2018 and the 31 August 2018.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 June 2018 and the 31 August 2018, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 18th March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

5.8 The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New		2	2			
Renew	3			1		
Conduct		2	1			
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New			1	2		
Renewal				2		
Condition						
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct						

6. Conclusion

6.1 During the period captured in this report the workload for the Licensing team has continued to be high and the team have been working hard to maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Joyce Barrow Portfolio Holder for Communities, Waste & Regulatory Services.
Local Member Cover all areas of Shropshire
Appendices: A – Licences issued between the 1 June 2018 and the 31 August 2018. B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from the 1 June 2018 to the 31 August 2018. C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 June 2018 to the 31 August 2018. D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1

June 2018 and the 31 August 2018.

APPENDIX A

Licences issued – from 1 June 2018 to the 31 August 2018.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	8
Animal Breeding	3
Caravan Sites	0
Cosmetic Piercing Personal	11
Cosmetic Piercing Premises	7
House to House Collection	17
Pet Shops	1
Riding Establishments	4
Scrap Metal Site	1
Scrap Metal Collector	0
Sex Establishment Licence	0
Street Collection	24
Street Trading Licence	9
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	3
Total Applications General	89

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	30
Hackney Carriages	12
Total Surrendered Vehicles	42

Taxi Licensing	Total
Hackney Carriage N	13
Hackney Carriage R	20
Joint HC/PH Driver N	16
Joint HC/PH Driver R	27
Private Hire Operator N	5
Private Hire Operator R	5
Private Hire Vehicle N	72
Private Hire Vehicle R	125
Hackney Vehicle Transfer	1
Private Hire Vehicle Transfer	30
Private Hire Licensee Transfer	0
Trailer Licence	0
Total Taxi Applications	314

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	0
Notification of Intent to have gaming machines	30
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	1
Small Society Lotteries	16
Change of Promoter	0
Annual Fee	32
Family Entertainment gaming machine permit	0
Total Gambling Act 2005 Applications	79

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	85
Premises Licence	17
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	449
Minor Variation Application	7
DPS Change/Variation	59
Transfer Application	18
Annual Fee	188
Notification of Interest	1
Premises Lic with Alcohol - Full Variation	8
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	832

Total Applications	1314
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Total Surrendered Vehicles	42
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APPENDIX B

Licensing and Safety Sub-Committee Meetings from the 1 June 2018 to the 31 August 2018.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C

Licensing Act Sub-Committees. Hearings held for licensed premises from 1 June 2018 to the 31 August 2018.

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
06/08/18	Wheatsheaf Inn, Lower Broad Street Ludlow, SY8 1PQ	Variation of a premises licence	Cllr Peter Adams Cllr Simon Jones Cllr Paul Milner	Granted with additional conditions	n/a
14/08/18	Peepo Restaurant, 84- 85 High Street, Bridgnorth, WV16 4DS	Variation of a premises licence	Cllr Simon Jones Cllr Kevin Pardy Cllr Paul Milner	Granted with additional conditions	n/a

APPENDIX D**Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 June 2018 and the 31 August 2018.**

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
02/06/2018	4		4
03/06/2018	3		3
12/06/2018	1		1
30/06/2018	2		2
12/07/2018	2	2	
14/07/2018	2		2
27/07/2018	1	1	
02/08/2018	1		1
18/08/2018	2	2	
Total	18	5	13